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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

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#36	Monday 8 March	Noon Wednesday 24 February	Noon Tuesday 2 March
#37	Monday 15 March	Noon Wednesday 3 March	Noon Tuesday 9 March
#38	Monday 22 March	Noon Wednesday 10 March	Noon Tuesday 16 March
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Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1997 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (651) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Minnesota Pollution Control Agency

Policy and Planning Division

DUAL NOTICE: NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING UNLESS 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF HEARING IF 25 OR MORE REQUESTS FOR HEARING ARE RECEIVED

Proposed Amendment to Rule Governing Individual Sewage Treatment Systems, *Minnesota Rules* Chapter 7080

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to amend a rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by March 31, 1999, a public hearing will be held at the Metro State University, 700 East 7th Street, room New Main L-104, St. Paul, Minnesota starting at 1:00 p.m. and 6:30 p.m. on April 19, 1999. This hearing will be conducted using video-conference equipment. Satellite video-conferencing locations will be available in Bemidji at Bemidji State University, 1500 Birchmont Drive Northeast, room Hagg-Sauer 248B and in North Mankato at South Central Technical College, 1920 Lee Boulevard, room E-130, for additional participation. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the MPCA contact person after March 31, 1999, and before April 19, 1999.

MPCA Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Mark Wespetal or Lori Frekot
Policy and Planning Division
Community and Area Wide Programs
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Phone: (651) 296-9322 or (651) 296-8762
1-800-657-3864 (MN Toll Free)
FAX: (651) 297-7709
Internet: mark.wespetal@pca.state.mn.us or lori.frekot@pca.state.mn.us

Previous notice. A Notice of Intent to Adopt was published in the *State Register* on November 30, 1998, (*State Register* Volume 23, Number 22, page 1260), which proposed new rules or changes in parts 7080.0020, subparts 24C, 24d, 24e, 24f, 45 and 51, 7080.0400 and 7080.0450, regarding new technology and warrantied systems for individual sewage treatment systems. The new rules and changed rules proposed for adoption in that notice now form a part of the new rules and changes proposed for adoption in this notice. Actually, the agency has changed some of those earlier proposals in response to comments received from interested parties and the Individual Sewage Treatment Systems (ISTS) Advisory Committee. So, if you want to submit comments on pro-

posed changes to the listed parts, you should address them to the proposals referred to in this notice, because the proposals no longer take the form published on November 30. Some changes have been made since these parts were noticed on November 30. These changes were made in part to respond to comments received from concerned parties and the ISTS Advisory Committee. The reasons for these changes are addressed in the Statement of Need and Reasonableness discussed in this notice. Comments received in response to the November 30 notice will be added to the official file for this rulemaking encompassing all of chapter 7080.

Subject of Rule and Statutory Authority. *Minnesota Rules* Chapter 7080 governs construction, design, placement, professionals performing this work, and related municipal and county ordinances.

Research conducted by the MPCA and submitted to the Legislative Water Commission in 1993 found that 27 percent or 491,925 of the housing units in Minnesota are not connected to public wastewater treatment sewers. Wastewater from these homes must be treated by other methods such as mounds, trenches, atgrade or advanced treatment technologies. These systems are called "individual sewage treatment systems" or "ISTS." The number of homes and businesses needing ISTS is on the rise. Census reports show a 22 percent increase from 1980 to 1990.

Raw or inadequately treated wastewater can pollute surface and ground waters and have a negative impact on the general state of public health and welfare. *Minnesota Rules* Chapter 7080 was initially designed to establish minimum construction standards and criteria for individual sewage treatment systems to prevent the environmental and health impacts associated with improperly treated wastewater. Revisions that became effective in January 1996 broadened the scope of the Chapter by establishing a framework for permitting and inspection programs to be administered at the local government level and the responsibilities, licensing, registration, and enforcement requirements for ISTS professionals.

Authority to amend and adopt rules under Chapter 7080 comes from three statutes. *Minnesota Statutes* section 115.03, subdivision 1, paragraph (e), provides the agency general authority to modify and adopt rules for purposes of controlling or abating water pollution, or for the installation or operation of disposal systems. Section 115.55, subdivision 3, directs the agency to adopt rules establishing minimum standards and criteria for the design, location, installation, use, and maintenance of ISTS. Finally, section 115.56, subdivision 1, directs the agency to establish rules for licensing ISTS professionals.

The current rule revision effort was commenced to fulfill the 1998 legislative directive in amendments to section 115.55, subdivision 3, which requires the agency to establish procedures for the commissioner to approve individual sewage treatment system technology that does not have minimum construction standards established in Chapter 7080. The revision effort was broadened to address problems brought to the agency's attention by local government regulators, ISTS professionals, homeowners and other interested parties and to change the direction of the rules by adding new system performance standards. More specifically, the revisions are being proposed to:

1. Bring the rule into compliance with changes made to *Minnesota Statutes* sections 115.55 and 115.56 in 1997 and 1998.
2. Revise the existing technical standards and criteria due to changes in technology or to address existing problems. The goals of the agency in revising the technical portion of the rules are to:
 - reflect current technology,
 - add specifications to cover common situations not currently addressed in the rule,
 - clarify ambiguous language,
 - remove obsolete standards,
 - relax overly-restrictive standards, and
 - revise and strengthen deficient standards.
3. Revise some of the requirements on how local units of government administer their programs to address existing problems and reach the desired outcomes in a more effective and efficient manner.
4. Revise the licensing and registration program of the rule to address existing problems and to reach the desired outcomes in a more effective and efficient manner.
5. Establish performance-based criteria to complement the technical standards and criteria for treatment systems. These revisions are being made to follow a national trend toward allowing different technologies and treatment methods if a specified system performance is reached.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

6. More clearly identify the design standards for ISTS that serve more than 20 people and receive non-sewage wastes. These systems are currently regulated under *Code of Federal Regulations*, title 40, part 144, and various parts of Chapter 7080.
7. Reorganize the information to improve the clarity of the rules.

Copy of the proposed rules. A copy of the proposed rules is not included in this notice. The MPCA received authorization in accordance with *Minnesota Statutes* section 14.14, subdivision 1a, from Chief Judge Kenneth A. Nickolai to omit the rules from the notice of rule hearing. A copy of this notice and the proposed rules can be viewed on the MPCA internet website at www.pca.state.mn.us/news/publicnotice/index.html under the "News/Public Notice" menu selection. **A free paper or electronic (in Microsoft Word) copy of the proposed rule is available upon request from the MPCA by calling Linda Grant at (651) 296-8326.**

Comments. You have until 4:30 p.m. on March 31, 1999, to submit written comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person, Mark Wespetal or Lori Frekot, by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by either of the agency contact persons by 4:30 p.m. on March 31, 1999. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

Withdrawal of Requests. If 25 or more persons submit a written request for hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the MPCA must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes* sections 14.131 to 14.20.

Accommodation. If you need an accommodation to make this hearing accessible, please contact the MPCA contact person at the address or telephone number listed above.

Modifications. The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the MPCA or presented at the hearing and the adopted rule may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for April 19, 1999, will be canceled if the MPCA does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether the hearing will be held. You may also call the MPCA contact person after March 31 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes* sections 14.14 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. An Administrative Law Judge is assigned to conduct the hearing. The judge can be reached at:

Steve Mihalchick
Administrative Law Judge
Office of Administrative Hearings
100 Washington Square, Suite 1700
100 Washington Avenue South
Minneapolis, Minnesota 55401-2138
(612) 349-2544
Facsimile Machine: (612) 349-2665

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rule. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the MPCA and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-

day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules* 1400.2000 to 1400.2240, and *Minnesota Statutes* sections 14.14 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The MPCA requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the MPCA contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the MPCA by calling Linda Grant at (651) 296-8326. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule. The statement may also be reviewed and copies obtained at the cost of reproduction from either the MPCA or the Office of Administrative Hearings. MPCA's costs are \$44 paper copy and \$8 electronic copy in Microsoft Word on 3 1/2 inch computer disk. The statement can also be viewed on the Internet at www.pca.state.mn.us/news/publicnotice/index.html.

Lobbyist Registration. *Minnesota Statutes* chapter 10A requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at the Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155 or by calling (651) 296-5148.

Request to Have MPCA Board Make Decision on Rule if No Hearing is Required. If a hearing is required, the MPCA Board will make the final decision on whether to adopt the rule. However, even if no hearing is required, you have the right to submit a request to the MPCA Commissioner to have the MPCA Board make the decision on whether to adopt the proposed rule. Your petition must be in writing and must be received by the MPCA contact person by 4:30 p.m. on March 31, 1999. Your petition will be granted or denied in the sole discretion of the MPCA Commissioner. Under *Minnesota Statutes* section 116.02, where a hearing is not required the MPCA Board will make the decision on the rule only if the MPCA Commissioner grants your petition or if an MPCA Board member makes a timely request that the decision be made by the MPCA Board.

Adoption Procedure if No Hearing. If no hearing is required, and if the decision is not required to be made by the MPCA Board, the MPCA Commissioner may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rule is submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rule, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record the Administrative Law Judge will issue a report on the proposed rule. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. After the report is issued, the MPCA Board will make the final decision on whether to adopt the rule. You may also ask to be notified of the date on which the MPCA adopts the rule and files it with the Secretary of State, and can make this request at the hearing or in writing to the MPCA contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time and location listed above.

Dated: 12 February 1999

Lisa Thorvig
Acting Commissioner

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Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Department of Health

Adopted Permanent Rules Relating to Ionizing Radiation

The rules proposed and published at *State Register*, Volume 23, Number 14, pages 708-750, October 5, 1998 (23 SR 708), are adopted with the following modifications:

4730.0100 DEFINITIONS.

Subp. 128a. **Physician assistant or registered physician assistant.** "Physician assistant" or "registered physician assistant" means a person registered according to *Minnesota Statutes*, chapter 147A, ~~who is qualified by academic or practical training or both to provide patient services as specified in *Minnesota Statutes*, chapter 147A, under the supervision of a supervising physician.~~

4730.0310 PERMISSIBLE DOSES, LEVELS, AND CONCENTRATIONS.

Subp. 3. Pregnant workers.

A. When a woman declares her pregnancy in writing and if her embryo or fetus has a potential of receiving greater than 0.125 rem (1.25 mSv) during her entire pregnancy, the registrant must:

(2) ensure that:

(b) the total effective dose equivalent to the embryo and fetus for a full-term pregnancy does not exceed 0.5 rem (five mSv).

4730.1140 NOTIFICATIONS AND REPORTS TO INDIVIDUAL WORKERS.

Subp. 3. **Report at end of employment.** A registrant must furnish to a worker who is terminating employment, or to a worker who, while employed by another person, is terminating a work assignment involving radiation dose in the registrant's facility within a calendar quarter, a report of the worker's dose of radiation. The report must be furnished within ~~90~~ 30 days from the time of termination of employment or within 30 days after the exposure of the worker has been determined by the registrant. The report must cover each calendar quarter in which the worker's activities involved exposure to radiation sources and must include the dates and locations of work under the registrant in which the worker participated.

4730.1210 PROHIBITED USES OF RADIATION.

Subp. 2. **Prohibited radiation producing equipment and procedures.** The equipment specified in this subpart shall not be used nor the specified procedures performed:

D. hand-held radiographic or fluoroscopic imaging devices, or hand-held therapy units, except for contact therapy units operated according to part 4730.2350, subpart 17;

F. ~~except during therapy simulations and maintenance activities;~~ the use of fluoroscopy by a person other than a licensed practitioner of the healing arts when the licensed practitioner of the healing arts is not physically present in the room except during therapy simulations, maintenance activities, and training courses;

4730.1310 HEALING ARTS SCREENING.

Subp. 2. **Content of application.** In the application for screening the registrant must:

J. Describe the population to be examined in the screening program, including age, sex, and physical condition. ~~For mammography, the selection of the screening population must meet the criteria specified by the Mammography Quality Standards, Code of Federal Regulations, title 21, parts 16 and 900.~~

4730.1510 REGISTRANT'S SAFETY REQUIREMENTS.

Subp. 3. **Individuals who may apply radiation.** Only those individuals who are licensed practitioners of the healing arts; ~~vet-
erinary workers, industrial radiographers, industrial radiographer's assistants,~~ or individuals who have successfully passed an exam-
ination specified in parts 4730.5000 to 4730.5500, may intentionally apply radiation to an individual.

4730.1520 RECORDS TO BE MAINTAINED BY REGISTRANT.

Subp. 2. **Mammographic image retention.** All mammography images must be retained as required by the Mammography
Quality Standards; ~~Code of Federal Regulations, title 21, parts 16 and 200~~ Act of 1992, United States Code, title 42, section 263b,
and regulations adopted thereunder.

Subp. 3. **Recordkeeping.** The registrant must have available at the time of inspection by the commissioner, records of personnel
monitoring, radiation safety surveys for all types of x-ray equipment and accelerators, and equipment performance measurements
for x-ray equipment.

A. Current copies of delegation agreements from physician assistants, registered ~~physician's~~ physician assistants, certified
nurse practitioners, and certified nurse midwives must be available at the time of inspection by the commissioner. Each delegation
agreement must be signed by all supervising physicians.

E. Each facility doing radiographic and fluoroscopic imaging procedures, except dental procedures, must keep a ~~patient log~~
record of the following information:

- (1) ~~patient name or identification number;~~
- (2) age of patient, if under age 18;
- (2) imaging procedures performed; and
- (3) name or initials of person performing the imaging procedure.

4730.1530 ORDERING OF RADIOGRAPHIC EXAMINATIONS.

The registrant shall be responsible for ensuring that the following requirements on ordering radiographic examinations are met
except when the radiographic examination is part of a healing arts screening program approved by the commissioner.

B. The radiographic provider must not carry out a radiographic procedure ordered by a certified nurse midwife, certified nurse
practitioner, physician assistant, or registered physician assistant unless ~~the nurse or physician assistant has provided~~ a copy of a
written delegation agreement is on file with the facility.

4730.1600 REQUIREMENTS FOR SHIELDING AGAINST IONIZING RADIATION.

Shielding:

A. Each installation where radiation is used shall be provided with such primary barriers or secondary barriers as are neces-
sary to ensure radiation safety. Each installation shall comply with the special shielding requirements applicable to the type of
installation under consideration as specified in subsequent parts of this chapter. Primary or secondary barrier requirements shall be
deemed to be met if the thicknesses of such barriers are equivalent to those calculated in accordance with NCRP Report No. 49,
"Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies Up to 10 MeV," National
Council on Radiation Protection and Measurements, September 15, 1976, and where applicable, ANSI N43.3-1993, "American
National Standard for General Radiation Safety: Installations Using Nonmedical X-Ray and Sealed Gamma-Ray Sources, Energies
up to 10 MeV," American National Standards Institute, January 28, 1993. The NCRP report and the ANSI Standard are incorpo-
rated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system. An alternative
to NCRP Report No. 49 is that the thickness of primary or secondary barriers be sufficient to limit the radiation exposure levels to
below 1/10 of those stated in part 4730.0310, subpart 2, item A, subitem (1), or 4730.0380; ~~item A,~~ whichever is applicable.

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deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED
RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from
proposed rule language.

Adopted Rules

4730.1670 RADIATION SAFETY SURVEYS.

Subpart 1. **Applicability.** Each registrant conducting diagnostic or therapeutic x-ray procedures must ensure that the radiation safety surveys specified in this part are site-specific and in compliance with this chapter. A survey must be performed at the time of initial installation and after any change in the facility or equipment which might cause a change in radiation hazard. A report of each survey must be prepared, maintained at the facility according to the record requirements in part 4730.1520, and made available to the commissioner on request. The safety survey must include the following:

- A. ~~radiation leakage measurements~~ an evaluation of tube housing integrity;

4730.1691 DIAGNOSTIC EQUIPMENT PERFORMANCE TESTS FOR A QUALITY ASSURANCE PROGRAM.

Subp. 4. **All diagnostic radiographic tubes; required when applicable.**

TEST TYPE	MINIMUM TEST INTERVAL	MINIMUM PERFORMANCE CRITERIA
I. Timer accuracy	Biennially	Single Phase: use Table 4730.1692 or $\pm 10\%$ of setting. Three phase, high frequency, and constant potential: use $\pm 5\%$ of setting or one millisecond, <u>whichever is shortest selected time when measured \geq than 100 milliseconds. At times shorter than 100 milliseconds, use manufacturers' specifications.</u>

Subp. 6. **For facilities with mammography systems.** All tests on mammographic units must follow *Code of Federal Regulations, title 21, Parts 16 and 900, the Mammography Quality Standards Act of 1992, United State Code, title 42, section 263b, and regulations adopted thereunder.*

Subp. 8. **For facilities with computed tomography scanners.**

TEST TYPE	MINIMUM TEST INTERVAL	MINIMUM PERFORMANCE CRITERIA
E. CT number calibration and noise	Daily	Water: 0 ± 5 CT numbers; Noise: ± 3 standard deviations from of the <u>mean of the baseline noise variance measurements</u>
F. CT number uniformity and <u>artifacts</u>	Monthly for mobile units. Annually for fixed base units	Variation ± 5 CT numbers <u>between the mean values of measurements made at center and edge of phantom that is at least 20 cm. in diameter among a mean of 100 pixels.</u> <u>Artifacts: no noticeable artifacts</u>

Subp. 11. **For facilities with dental intraoral systems.**

TEST TYPE	MINIMUM TEST INTERVAL	MINIMUM PERFORMANCE CRITERIA
H. Dental mA linearity	Biennially	± 10% over the clinical range

4730.1850 DIAGNOSTIC RADIOGRAPHIC SYSTEMS OTHER THAN FLUOROSCOPIC, DENTAL INTRAORAL, VETERINARY MEDICINE, OR COMPUTED TOMOGRAPHY SYSTEMS.

Subp. 5. [See repealer.]

4730.1950 INTRAORAL DENTAL RADIOGRAPHIC SYSTEMS.

Subp. 4. **Safety controls.** The registrant must ensure that the safety controls in this subpart are followed.

C. The exposure at the end of the cone for a bitewing technique must not exceed the values listed in Table 4730.1950:

4730.2150 FLUOROSCOPIC X-RAY SYSTEMS EXCEPT RADIATION THERAPY SIMULATORS.

Subp. 3. **Limitation of useful beam, x-ray field.** All fluoroscopes must be provided with image intensification equipment to view the fluoroscopic images.

A. For image-intensified fluoroscopic equipment, neither the length nor the width of the x-ray field in the plane of the image intensifier may exceed that of the visible area of the image intensifier by more than three percent of the SID during fluoroscopy or digital imaging. The sum of the excess length and the excess width must be no greater than four percent of the SID. In addition, means must be provided to permit further limitations of the field:

Subp. 4a. **Entrance exposure rate allowable limits on fluoroscopic systems manufactured before May 19, 1995.** The registrant must ensure that the entrance exposure rate allowable limits in this subpart are met.

A. Equipment with automatic exposure rate control (AERC). Fluoroscopic equipment that is provided with AERC shall not be operable at any combination of tube potential and current that results in an exposure rate in excess of ten roentgens per minute (10 R/min) or 2.58×10^{-3} coulomb per kilogram (C/kg) per minute at the point where the center of the useful beam enters the patient, except:

(1) during recording of fluoroscopic images when using photographic film; or

C. Equipment with both an AERC mode and a manual mode. Fluoroscopic equipment that is provided with both an AERC mode and a manual mode shall not be operable at any combination of tube potential and current that results in an exposure rate in excess of 10 R/minute (2.58×10^{-3} C/kg per minute) in either mode at the point where the center of the useful beam enters the patient, except:

(1) during the recording of fluoroscopic images when using photographic film; or

Subp. 5. **Entrance exposure rate allowable limits on fluoroscopic systems manufactured after May 19, 1995.** The registrant must ensure that the entrance exposure rate allowable limits in this subpart are met.

B. Fluoroscopic equipment shall not be operable at any combination of tube potential and current that results in an exposure rate in excess of 10 R/minute (2.58×10^{-3} C/kg per minute) at the point where the center of the useful beam enters the patient, except:

(1) during the recording of images from an x-ray image-intensifier tube using photographic film ~~or a video camera when the x-ray source is operated in a pulsed mode~~; or

4730.2350 THERAPEUTIC X-RAY SYSTEMS OF LESS THAN 1.0 MV.

Subp. 17. **Operating procedures.** The tube housing assembly ~~or~~ of contact therapeutic equipment must not be held by hand during operation unless the system is designed to require such holding and the kVp of the system does not exceed 50 kVp. In such cases, the holder must wear protective gloves and apron of not less than 0.5 millimeter lead equivalence at 100 kVp.

REPEALER. *Minnesota Rules*, parts 4730.0340, subpart 2; 4730.1120, subpart 1; 4730.1130, subpart 3; 4730.1140, subpart 1; 4730.1400; 4730.1691, subpart 10; 4730.1695, subpart 6; 4730.1850, subpart 5; 4730.2450, subpart 18; and 4730.3000, are repealed.

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Adopted Rules

Pollution Control Agency

Adopted Permanent Rules Relating to Air Quality Monitoring and Testing

The rules proposed and published at *State Register*, Volume 23, Number 4, pages 245-260, July 27, 1998 (23 SR 245), are adopted with the following modifications:

7017.1002 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7017.1004 to 7017.1220, the definitions given in parts 7005.0100, 7007.0100, and 7017.2005, and the definitions given in *Code of Federal Regulation Regulations*, title 40, part 60.2, and in the federal rules incorporated by reference in part 7017.1010, apply unless otherwise defined in this part.

Subp. 7. **Excess emissions.** "Excess emissions" means emissions that are greater than the numerical emission limit during both the period when the limit applies and any applicable periods of exemption, such as periods of startup, shutdown, and malfunction. Excess emissions do not include emissions during startup and shutdown that are based on values calculated using correction factors which, when applied outside the normal operating range, produce invalid values.

Subp. 10. **Monitor downtime.** "Monitor downtime" means time periods when one or more of the following are true, excluding periods of monitor bypass:

- B. the COMS is not meeting the data availability requirements of part 7017.1200, subpart 2; or
- C. the CEMS or COMS is out of control; ~~or~~
- ~~D. the CEMS or COMS is not collecting the recording emissions data.~~

7017.1050 MONITOR CERTIFICATION AND RECERTIFICATION TEST.

Subp. 2. **Changes to a CEMS or COMS which invalidate certification.** Any of the following changes to a certified CEMS or COMS invalidates the certification status of the monitoring system:

- C. ~~replacement of or~~ modification to the flue gas handling system which changes its flow characteristics; or

7017.1090 MONITOR OPERATIONAL REQUIREMENTS.

Subp. 2. **Acceptable monitor downtime.** Monitor downtime is a violation of subpart 1, except for reasonable periods of monitor downtime due to the following causes:

B. sudden and not reasonably preventable monitor breakdowns which make it necessary to return monitoring system components to the manufacturer for repair or to order monitor parts not included in the facility's quality assurance plan list of spare monitor parts;

7017.1110 EXCESS EMISSIONS REPORTS.

Subpart 1. **Excess emissions report required.** The owner or operator of a facility subject to parts 7017.1002 to 7017.1220 shall submit an excess emissions report each calendar quarter. The report must be submitted even if there were no excess emissions, monitor downtime, or monitor bypasses during the quarter. The report shall be submitted on a form approved by the commissioner within 30 days of the end of each calendar ~~year~~ quarter. Any such form provided by the commissioner shall only seek information relevant to the excess emissions report.

Subp. 2. **Contents of excess emissions report.** The excess emissions report shall contain ~~at least~~ the information in items A to C.

7017.1130 RECORDKEEPING.

The owner or operator of a facility subject to parts 7017.1002 to 7017.1220 shall maintain a file of all of the following CEMS or COMS information at the emission facility in a ~~permanent~~ form suitable for inspection for at least five years from the date of each record: each one-hour emission average recorded by the CEMS; each six-minute opacity average recorded by the COMS; monitor certification test reports; excess emissions reports; cylinder gas audit reports; calibration error audit reports; relative accuracy test audits; linearity check reports; results of daily calibration drift checks; log of adjustments made to the CEMS or COMS and maintenance performed on the CEMS or COMS; and all other monitoring system information required by an applicable compliance document. The owner or operator shall also keep an updated copy of the facility's CEMS or COMS quality assurance plan on site.

7017.1160 CEMS MONITORING DATA.

Subpart 1. **Data points.** All data points collected by a CEMS shall be used to calculate individual hourly emission averages unless another applicable requirement or compliance document requires more frequent averaging. Each hourly average starts at the beginning of the hour and ends at the beginning of the following hour.

7017.1170 QUALITY ASSURANCE AND CONTROL REQUIREMENTS FOR CEMS.

Subpart 1. **Exclusion from applicability.** The owner or operator of a CEMS may submit to the commissioner a ~~request for a determination notification~~ of exclusion from the applicability of the requirements of subparts 4 and 5 if the actual emissions of the emission unit or units being monitored by the CEMS are less than ten tons per year or if the emission unit or units being monitored by the CEMS operates less than 120 hours per quarter. ~~The commissioner shall grant such a request if the commissioner finds that the owner or operator has provided an alternative quality assurance plan that will reasonably ensure that the data generated by the CEMS is representative of emissions. The owner or operator of a CEMS that has received a determination of exclusion shall notify the commissioner immediately in the event that the conditions that made the CEMS eligible for the exclusion no longer apply. No determination made under this part affects the owner's or operator's obligation to comply with similar quality assurance provisions that may be imposed under other applicable requirements or compliance documents.~~ Facilities with CEMS utilizing this exclusion shall comply with the following alternative quality assurance and control audit procedure:

A. conduct a minimum of one cylinder gas audit annually, except that during calendar years in which a relative accuracy test audit (RATA) is performed on the CEMS no CGA is required; and

B. conduct a minimum of one RATA every five calendar years.

The owner or operator of a CEMS that has utilized an exclusion under this subpart shall submit notification with the following quarterly excess emissions report, in the event that the conditions which made the CEMS eligible for the exclusion no longer apply. No exclusion under this subpart affects the owner's or operator's obligation to comply with similar quality assurance provisions that may be imposed under other applicable requirements or compliance documents.

Subp. 3. **Daily calibration drift assessment and adjustment.** The facility owner or operator shall conduct daily calibration drift assessments and make adjustments as needed according to the procedure listed in items A and B and *Code of Federal Regulations*, title 40, section 60.13(d)(1), for each pollutant concentration and diluent monitor. The calibration drift assessment shall be conducted on each monitor range. The span value specified in the applicable requirement or compliance document shall be used to determine the zero and span calibration points. If no span value is specified in the applicable requirement or compliance document, the owner or operator shall use a span value equivalent to 1.5 times the emission limit.

A. For an extractive CEMS, minimum drift assessment procedures shall include introducing applicable zero and span gas mixtures into the measurement system as near the probe as is practical. ~~Certified master Gases (i.e. within ± two percent of tag value)~~ shall be used to perform the span (upscale) drift assessment. The span and zero gas mixtures shall be the same composition as specified in the applicable performance specification.

Subp. 4. **Semiannual cylinder gas audit (CGA).** The facility owner or operator shall conduct a CGA on each concentration and diluent monitor on each CEMS. The CGA must be conducted on each monitor range. A CGA is required at least once every calendar half year, except that a CGA is not required during any calendar half year in which a RATA was performed on the CEMS. The initial CGA must be completed within 180 days following the effective date of this part for CEMS which were certified prior to that date or within 180 days following certification of the CEMS for CEMS which are certified on or after that date. The CGAs shall be conducted at least three months apart but no more than eight months apart. A CGA shall be conducted according to the procedures in *Code of Federal Regulations*, title 40, part 60, appendix F, section 5.1.2. If the monitored emission unit was operated for less than 24 hours during the calendar half year, a CGA is not required on that CEMS during that calendar half year.

7017.1180 QUALITY CONTROL REPORTING AND NOTIFICATION REQUIREMENTS FOR CEMS.

Subpart 1. **Cylinder gas audit summary.** A cylinder gas audit summary must be submitted on a form approved by the commissioner within 30 days following the end of the calendar quarter in which the audit was completed. Any such form provided by the commissioner shall only seek information relevant to the cylinder gas audit.

Subp. 3. **Relative accuracy test audit summary.** A relative accuracy test audit summary report must be submitted on a form approved by the commissioner within 30 days following the end of the calendar quarter in which the relative accuracy test audit was conducted. Any such form provided by the commissioner shall only seek information relevant to the relative accuracy test audit.

Subp. 4. **Linearity check results summary.** Facilities subject to Code of Federal Regulations, title 40, part 75, shall submit a linearity check summary ~~report shall be submitted~~ within 30 days following the end of the calendar quarter in which the linearity check was conducted on a form approved by the commissioner. Any such form provided by the commissioner shall only seek information relevant to the linearity check.

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Adopted Rules

7017.1210 QUALITY ASSURANCE AND CONTROL REQUIREMENTS FOR COMS.

Subp. 2. **Daily calibration drift assessments and monitor adjustments.** The owner or operator of a COMS shall conduct a daily zero and upscale calibration drift assessment and adjustments according to the requirements of *Code of Federal Regulations*, title 40, part 60.13(d)(2). The zero and upscale calibration levels must be determined by using the span value specified in the applicable requirement. If the applicable requirement does not specify a span value, a span value of 60, 70, or 80 percent opacity must be used unless an alternative span value is approved by the commissioner.

Subp. 3. **Semiannual calibration error audit.** An initial calibration error audit must be completed on each COMS within 180 days following the effective date of this part for a COMS which is certified prior to that date, or within 180 days following certification of the COMS for a COMS which is certified on or after that date. An additional calibration error audit is required on each COMS semiannually, and at least three months apart, but no more than eight months apart, except that a calibration error audit need not be conducted during any semiannual period in which the emission unit operated less than 24 hours. The calibration error audit shall be conducted according to the procedures in *Code of Federal Regulations*, title 40, part 60, appendix B, Performance Specification No. 1, section 7.1.4. ~~The calibration error audit shall be conducted with neutral density filters with an optical density of 0.05, 0.10, and 0.20 attenuators (i.e. neutral density filters) shall be selected according to the procedure in section 7.1.2. of Performance Specification No. 1~~ unless the commissioner determines that other attenuator values are needed to properly measure the accuracy of the monitor because the pertinent opacity limit is unusually high or low. In that case, the commissioner shall specify the appropriate neutral density filter values. The equations contained in *Code of Federal Regulations*, title 40, part 60, appendix B, Performance Specification No. 1, section 8, shall be used to calculate a COMS audit result. A COMS calibration error audit result shall not exceed three percent opacity.

7017.1220 QUALITY ASSURANCE AND CONTROL REPORTING REQUIREMENTS FOR COMS.

A summary of the results of each COMS calibration error audit must be submitted on a form approved by the commissioner within 30 days following the end of the calendar quarter in which the audit was completed. Any such form provided by the commissioner shall only seek information relevant to the COMS calibration error audit.

7017.2030 PERFORMANCE TEST PRETEST REQUIREMENTS.

Subp. 3. **Format and content of test plan.** The test plan shall be submitted in the following format and include; ~~as a minimum;~~ the following elements:

From Carrol Henderson - *DNR Wildlife Specialist*

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Locate 120 wildlife sites throughout the state for enjoyment in all seasons. Spiral-bound, 320pp. Stock No. 9-40 \$19.95 + sales tax & shipping

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Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* §§ 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Department of Labor and Industry

Occupational Safety and Health Division

Proposed Exempt Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference; Rope Inspections; Working in Confined Spaces

Proposed Revisions to the Occupational Safety and Health Standards and Request for Comments

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* § 182.655 (1996).

This notice proposes the adoption by reference of corrections and amendments to Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA). This notice also proposes modifications to *Minnesota Rules* Chapters 5205 and 5207.

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any proposed change.

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* § 182.655 and *Minnesota Rules* 5210.0010 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307. Persons interested in reviewing the complete *Federal Register* notices or federal standards referenced below may visit federal OSHA's website at www.osha.gov. To review current *Minnesota Rules*, visit the Revisor's website at www.revisor.leg.state.mn.us. A complete copy of the standards proposed for adoption is also available by calling (651) 297-3254 or (651) 282-5806.

Gretchen B. Maglich
Commissioner

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Exempt Rules

SUMMARY OF CHANGES

The following is a brief summary of the proposed amendments. The listing of federal standards being proposed for adoption, and the text of proposed revisions to *Minnesota Rules* Chapters 5205 and 5207 follow this summary.

- (A) "Powered Industrial Truck Operator Training; Final Rule." On December 1, 1998, federal OSHA published in the *Federal Register* its final rule for powered industrial truck operator training. The modifications will affect the existing standard in general industry, construction, shipyards, marine terminals, and longshoring operations. The existing requirements for powered industrial truck operator training are being revised to incorporate new requirements to improve operator training. The new requirements are intended to reduce the number of injuries and deaths that occur as a result of inadequate operator training. At the federal level, the new final rule is effective March 1, 1999.

By this notice, Minnesota OSHA proposes to adopt the final rule as published in the *Federal Register* on December 1, 1998. This rule becomes effective in Minnesota upon publication of the adoption notice in the *State Register*.

- (B) "Permit-Required Confined Spaces; Final Rule." On December 1, 1998, Federal OSHA published in the *Federal Register* the final rule for the Permit-Required Confined Spaces standard, 29 CFR 1910.146. The final rule provides for enhanced employee participation in the employer's permit space program, provides authorized permit space entrants or their authorized representatives with the opportunity to observe any testing or monitoring of permit spaces, and strengthens and clarifies the criteria employers must satisfy when preparing for the timely rescue of incapacitated permit space entrants. The revisions will substantially enhance the protections being provided to permit space entrants and will additionally clarify many issues that have arisen since promulgation of the standard in 1993. At the federal level, the new final rule became effective February 1, 1999.

By this notice, Minnesota OSHA proposes to adopt the final rule as published in the *Federal Register* on December 1, 1998. In addition, Minnesota OSHA proposes to adopt the entire original Permit-Required Confined Spaces final rule for general industry, which was published in the *Federal Register* on January 14, 1993, as well as all other subsequent amendments to the standard. As a result of this, Minnesota OSHA proposes to move existing general industry *Minnesota Rules* 5205.1000 through 5205.1040 (Confined Spaces) to the construction chapter 5207, where they are currently referenced in 5207.0300. Minnesota OSHA would then enforce the federal standard in general industry, and would continue to enforce the existing Minnesota confined spaces rules in construction. These amendments become effective in Minnesota upon publication of the adoption notice in the *State Register*.

- (C) "*Minnesota Rules* 5205.1200, Cranes and Hoists." The addition of subpart 4a, which adds requirements for rope inspections, is being proposed. This text is taken directly from 29 CFR 1910.179(m)(1) and (2), nearly verbatim.

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

[For text of subpart 1, see M.R.]

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes as follows:

[For text of items A to O, see M.R.]

P. *Federal Register*, Volume 58:

(1) *Federal Register*, Vol. 58, No. 9, dated January 14, 1993: "Permit-Required Confined Spaces; Final Rule."

(~~4~~) (2) *Federal Register*, Vol. 58, No. 59, dated March 30, 1993, "Control of Hazardous Energy Sources (Lockout/Tagout); Supplemental Statement of Reasons."

(~~2~~) (3) *Federal Register*, Vol. 58, No. 77, dated April 23, 1993, "Occupational Exposure to Cadmium; Corrections and Amendments to Final Rule."

(4) *Federal Register*, Vol. 58, No. 123, dated June 29, 1993: "Permit-Required Confined Spaces; Final Rule; Corrections."

(~~3~~) (5) *Federal Register*, Vol. 58, No. 124, dated June 30, 1993, "Safety Standards for General Industry and Construction; Technical Amendments."

Q. *Federal Register*, Volume 59:

[For text of subitems (1) to (3), see M.R.]

(4) *Federal Register*, Vol. 59, No. 96, dated May 19, 1994: "Permit-Required Confined Spaces; Final Rule; Technical Amendment."

~~(4)~~ (5) *Federal Register*, Vol. 59, No. 125, dated June 30, 1994, “Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment; Final Rule—Stay of Enforcement of Certain Provisions and Correction.”

~~(5)~~ (6) *Federal Register*, Vol. 59, No. 126, dated July 1, 1994, “Personal Protective Equipment for General Industry; Final Rule; Corrections.”

~~(6)~~ (7) *Federal Register*, Vol. 59, No. 128, dated July 6, 1994, “Personal Protective Equipment for General Industry; Final Rule; Administrative Stay.”

~~(7)~~ (8) *Federal Register*, Vol. 59, No. 137, dated July 19, 1994, “Retention of DOT Markings, Placards, and Labels (1910.1201); Final Rule.”

~~(8)~~ (9) *Federal Register*, Vol. 59, No. 152, dated August 9, 1994, “Safety Standards for Fall Protection in the Construction Industry; Final Rule and Amended Reference in 1910.269(g)(2)(i).”

~~(9)~~ (10) *Federal Register*, Vol. 59, No. 153, dated August 10, 1994, “Occupational Exposure to Asbestos (1910.1001); Final Rule.”

~~(10)~~ (11) *Federal Register*, Vol. 59, No. 161, dated August 22, 1994, “Hazardous Waste Operations and Emergency Response (1910.120 and 1926.65); Amendments to Final Rule.”

~~(11)~~ (12) *Federal Register*, Vol. 59, No. 196, dated October 12, 1994, “Logging Operations, Final Rule (1910.266) and Amendment to 1910.269(r)(5).”

(13) *Federal Register*, Vol. 59, No. 213, dated November 4, 1994: “Permit-Required Confined Spaces; Final Rule; Technical Amendment to Preamble.”

[For text of items R and S, see M.R.]

T. *Federal Register*, Volume 62:

[For text of subitems (1) to (7), see M.R.]

(8) *Federal Register*, Vol. 62, No. 230, page 63563, dated December 1, 1997: “Permit-Required Confined Spaces; Notice; Announcement of OMB Approval of Information Collection Requirements.”

~~(8)~~ (9) *Federal Register*, Vol. 62, No. 243, page 66275, dated December 18, 1997: “Methylene Chloride; Partial Stay; Final Rule; Partial Stay of Start-Up Dates for Compliance.”

U. *Federal Register*, Volume 63:

[For text of subitems (1) to (7), see M.R.]

(8) *Federal Register*, Vol. 63, No. 230, page 66018, dated December 1, 1998: “Permit-Required Confined Spaces; Final Rule.”

(9) *Federal Register*, Vol. 63, No. 230, page 66238, dated December 1, 1998: “Powered Industrial Truck Operator Training; Final Rule.”

V. *Federal Register*, Vol. 64, No. 1, page 204, dated January 4, 1999: “Permit-Required Confined Spaces; Correction.”

Subp. 3. **Part 1915.** Part 1915: Occupational Safety and Health Standards for Shipyard Employment as published in Volume 47, No. 76 of the *Federal Register* on April 20, 1982; all changes made prior to December 31, 1986, which consolidated Part 1915 and Part 1916; technical amendments and redesignations published in Volume 58, No. 125, of the *Federal Register* on July 1, 1993; and additional changes as follows:

[For text of items A to Y, see M.R.]

Z. *Federal Register*, Vol. 63, No. 230, page 66238, dated December 1, 1998: “Powered Industrial Truck Operator Training; Final Rule.”

Subp. 4. **Part 1917.** Part 1917: Safety and Health Standards for Marine Terminals as published in Volume 48, No. 129 of the *Federal Register* on July 5, 1983; and subsequent changes as follows:

[For text of items A to D, see M.R.]

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Exempt Rules

E. *Federal Register*, Vol. 63, No. 230, page 66238, dated December 1, 1998: “Powered Industrial Truck Operator Training; Final Rule.”

Subp. 5. **Part 1918.** Part 1918: Safety and Health Regulations for Longshoring as published in Part II, Volume 39, No. 119 of the *Federal Register* on June 19, 1974, incorporating changes, additions, deletions and corrections made up to June 3, 1974; and subsequent changes as follows:

[For text of items A to D, see M.R.]

E. *Federal Register*, Vol. 63, No. 230, page 66238, dated December 1, 1998: “Powered Industrial Truck Operator Training; Final Rule.”

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, the incorporation and redesignation of the regulatory text of the General Industry Occupational Safety and Health Standards (29 CFR Part 1910) that have been identified as applicable to construction work as published in the *Federal Register*, Volume 58, No. 124, dated June 30, 1993, and corrected in Volume 58, No. 143, dated July 28, 1993; and additional changes as follows:

[For text of items A to M, see M.R.]

N. *Federal Register*, Volume 63:

[For text of subitems (1) to (8), see M.R.]

(9) *Federal Register*, Vol. 63, No. 230, page 66238, dated December 1, 1998: “Powdered Industrial Truck Operator Training; Final Rule.”

[For text of subp 7, see M.R.]

5205.1200 CRANES AND HOISTS.

[For text of subps 1 to 4, see M.R.]

Subp. 4a. Rope inspection.

A. A thorough inspection of all ropes shall be made at least once a month and a certification record which includes the date of inspection, the signature of the person who performed the inspection, and an identifier for the ropes which were inspected shall be kept on file where readily available to appointed personnel. Any deterioration, resulting in appreciable loss of original strength, shall be carefully observed and a determination made as to whether further use of the rope would constitute a safety hazard. Some of the conditions that could result in an appreciable loss of strength are the following:

(1) reduction of rope diameter below nominal diameter due to loss of core support, internal or external corrosion, or wear of outside wires;

(2) a number of broken outside wires and the degree of distribution or concentration of such broken wires;

(3) worn outside wires;

(4) corroded or broken wires at end connections;

(5) corroded, cracked, bent, worn, or improperly applied end connections; or

(6) severe kinking, crushing, cutting, or unstranding.

B. All rope which has been idle for a period of a month or more due to shutdown or storage of a crane on which it is installed shall be given a thorough inspection before it is used. This inspection shall be for all types of deterioration and shall be performed by an appointed person whose approval shall be required for further use of the rope. A certification record shall be available for inspection which includes the date of inspection, the signature of the person who performed the inspection, and an identifier for the rope which is inspected.

[For text of subps 5 and 6, see M.R.]

CONFINED SPACES

5207.0300 CONFINED SPACES.

Subpart 1. **Scope.** This subpart prescribes minimum safeguards for preventing employee exposure to dangerous air contamination or oxygen deficiency within such spaces as silos, tanks, vats, vessels, boilers, compartments, ducts, sewers, pipelines, vaults, bins, tubs, pits, and other similar spaces. This subpart does not apply to underwater operations conducted in diving bells or other underwater devices or to supervised hyperbaric facilities. Parts 5207.0300 to 5207.0304 prescribe minimum standards for preventing worker exposure to dangerous air contamination, oxygen deficiency, or oxygen enrichment as defined under part 5207.0301, within such spaces as silos, tanks, vats, vessels, boilers, compartments, ducts, sewers, pipelines, vaults, bins, tubs, pits, and other

similar spaces. A tank or other vessel under construction may not meet the definition of “confined space” until it is completely enclosed. Parts 5207.0300 to 5207.0304 do not apply to underwater operations conducted in diving bells or other underwater devices or to supervised hyperbaric facilities.

Subp. 2. [See repealer.]

5207.0301 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 5207.0300 to 5207.0304 have the meanings given them in this part.

Subp. 2. **Confined space.** “Confined space” is defined as a special configuration that could result in any of the following:

A. atmospheric condition, a condition in which a dangerous air contamination, oxygen deficiency, or oxygen enrichment may exist or develop;

B. entry or exit access, a condition where the emergency removal of a suddenly disabled person is difficult due to the location or size of the access opening; or

C. engulfment condition, a condition where the risk of engulfment exists or could develop.

Subp. 3. **Confined space entry.** “Confined space entry” means any action resulting in any part of the worker’s face breaking the plane of any opening of the confined space, and includes any ensuing work activities inside the confined space.

Subp. 4. **Dangerous air contamination.** “Dangerous air contamination” is an atmosphere presenting a threat of death, acute injury, illness, or disablement due to the presence of flammable, explosive, toxic, or otherwise injurious or incapacitating substances.

A. Dangerous air contamination due to the flammability of a gas or vapor is defined as an atmosphere containing the gas or vapor at a concentration greater than ten percent of its lower explosive (lower flammable) limit.

B. Dangerous air contamination due to a combustible particulate is defined as a concentration greater than ten percent of the minimum explosive concentration of the particulate.

C. Dangerous air contamination due to a toxic, corrosive, or asphyxiant substance listed in Code of Federal Regulations, title 29, part 1910, subpart Z, is defined as a concentration above the listed numerical value of the permissible exposure limit (PEL). In addition, an atmospheric concentration above the numerical limit listed on the Material Safety Data Sheet prepared for a hazardous substance in conformance with Code of Federal Regulations, title 29, section 1910.1200(g)(2)(vi) or the Minnesota Employee Right-to-Know Standards, chapter 5206.

D. Dangerous air contamination that presents an acute illness hazard represents an atmospheric concentration immediately dangerous to life and health (IDLH); for example, above a maximum concentration from which one could escape within 30 minutes or the length of time a worker will be exposed, whichever is longer, without any escape impairing symptoms or any immediate severe health effects. “Immediate severe health effect” means that an acute clinical sign of a serious, exposure-related reaction is manifested within 72 hours after exposure.

Subp. 5. **Engulfment.** “Engulfment” means the surrounding and effective capture of a person by finely divided particulate matter or a liquid.

Subp. 6. **Oxygen deficiency.** “Oxygen deficiency” is defined as an atmosphere containing oxygen at a concentration of less than 19.5 percent by volume.

Subp. 7. **Oxygen enrichment.** “Oxygen enrichment” is defined as an atmosphere containing oxygen at a concentration greater than 23 percent by volume.

5207.0302 OPERATING PROCEDURES AND WORKER TRAINING.

Subpart 1. **Implementation.** The employer shall implement the provisions of this part before any worker is allowed to enter a confined space.

Subp. 2. **Entry permit system.** The employer shall develop, implement, and use an entry permit system that includes a written permit procedure that provides all the means necessary to:

A. determine all confined spaces and identify them to the workers to prevent unauthorized entry;

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Exempt Rules

B. determine the actual and potential hazards associated with the space at the time of entry so the employer can choose the appropriate means to execute a safe entry;

C. ensure by appropriate testing that the control measures used are effective; and

D. provide for preplanned emergency rescue.

Subp. 3. Entry permit. A written permit form must be completed before allowing a worker to enter a confined space. The written permit must contain the following minimum specific information for each permit entry space:

A. date;

B. location;

C. time of issue;

D. time of expiration;

E. names of workers assigned to enter;

F. name and position of the person authorizing or in charge of the entry;

G. description of the hazards known or reasonably expected to be present in the confined space;

H. atmospheric testing required to be done immediately before and during the entry period;

I. designated individual responsible for performing the tests;

J. personal protective equipment required, including respiratory protection, clothing, or harnesses required for entry and rescue;

K. description of any additional hazards that may be reasonably expected to be generated by the entrants' activities in the space;

L. identification of all special work practices or procedures to be followed; and

M. specification of all means of isolation, cleaning, purging, or inserting to be done before entry to remove or control those hazards, or certification that these procedures have been done if a hazardous air contamination or oxygen deficient condition exists.

Subp. 4. Duration and retention of permit. The maximum duration for which a permit form may be issued is one shift except as indicated in part 5207.0304, subpart 1. Each written permit form for confined space entry must be retained for a minimum of 30 days. Permits shall be readily available to all workers before entering a confined space, and the permits shall remain at the work site as long as the work is being performed there. Where atmospheric testing showed a dangerous air contamination, oxygen deficiency, or oxygen enrichment, the employer shall retain the written permit form or record showing the results of the atmospheric testing for a minimum of one year.

Subp. 5. Operating procedures.

A. Written, understandable operating and rescue procedures shall be developed and provided to affected workers.

B. When respiratory protection is used, a respiratory protection program as outlined in Code of Federal Regulations, title 29, section 1910.134, shall be in place.

C. Operating procedures shall conform to the applicable requirements of parts 5207.0303 and 5207.0304 and shall include provision for surveillance of the surrounding area to avoid hazards such as drifting vapors from other work operations.

Subp. 6. Worker training.

A. Workers who will enter the confined space and standby persons required by part 5207.0304 shall be trained in operating and rescue procedures and on the hazards they may encounter. This training shall be conducted annually or before confined space entry.

B. Workers who will perform atmospheric monitoring in confined spaces shall be trained on the use of such equipment according to the manufacturer's instructions before confined space entry and then on an annual basis thereafter.

5207.0303 PREENTRY PROCEDURES.

Subpart 1. Application. The applicable provisions of this part shall be implemented before entry into a confined space is permitted.

Subp. 2. Disconnection of lines. Lines that may convey flammable, explosive, toxic, or otherwise injurious or incapacitating substances into the space shall be disconnected, blinded, locked out, or blocked off by other positive means to prevent the development of dangerous air contamination, oxygen deficiency, or oxygen enrichment within the space. The disconnection or blind shall be so located or done in such a manner that inadvertent reconnection of the line or removal of the blind is effectively prevented. Code of Federal Regulations, title 29, section 1910.147, applies where lockout devices are required.

This subpart does not apply to public utility gas distribution or gas transmission systems.

This subpart does not require blocking of all laterals to sewers or storm drains. Where experience or knowledge of industrial use indicates materials resulting in dangerous air contamination may be dumped into an occupied sewer or storm drain, all such laterals shall be blocked.

Subp. 3. Calibration of testing and monitoring equipment. Air testing and monitoring equipment shall be maintained and calibrated according to manufacturers' instructions. This equipment shall be periodically calibrated with an appropriate test gas to ensure proper operation. Records of such calibration and field tests shall be maintained for a minimum of one year. Calibration and field test information, including type of test required, date tests were due, and date tests were completed, shall be affixed to the instrument or be readily available at the time of use.

Subp. 4. Air tests. The air in confined spaces shall be tested with an appropriate device or method to determine whether dangerous air contamination, oxygen deficiency, or oxygen enrichment exists before entry is made. While occupied, additional continuous or periodic monitoring for dangerous air contamination, oxygen deficiency, or oxygen enrichment shall be done. A written record of the testing results shall be made and kept at the work site for the duration of the work. Affected workers or their representatives shall be afforded an opportunity to review and record the testing results.

Subp. 5. Injurious corrosive substances. Workers in confined spaces that have last contained injurious substances to the eyes or body shall be provided with, and shall be required to wear, appropriate personal protective clothing or devices in accordance with Code of Federal Regulations, title 29, section 1910.132. In addition, an eyewash and safety shower as required by Code of Federal Regulations, title 29, section 1910.151, shall be provided within the work area outside of the confined space for immediate emergency use.

Subp. 6. Interconnected spaces. Where interconnected spaces are blocked off as a unit, each space shall be tested and the results recorded in accordance with subpart 4. The most hazardous condition found shall govern procedures to be followed.

Subp. 7. Ventilation. Where the existence of dangerous air contamination, oxygen deficiency, or oxygen enrichment is demonstrated by tests performed under subpart 4, existing ventilation shall be augmented by appropriate means if practical and feasible. When additional ventilation provided in accordance with this subpart has removed dangerous air contamination, oxygen deficiency, or oxygen enrichment as demonstrated by additional testing conducted and recorded under subpart 4, entry into and work within the space may proceed subject to part 5207.0304.

Subp. 8. Ignition sources. No sources of ignition may be introduced into the space until implementation of appropriate provisions of this part has ensured that dangerous air contamination due to flammable or explosive substances does not exist.

Subp. 9. Oxygen consuming equipment. Whenever oxygen consuming equipment is to be used, measures shall be taken to ensure adequate combustion air and exhaust gas venting.

Subp. 10. Oxygen enrichment condition or use of oxygen enrichment equipment. Whenever oxygen enrichment is possible due to conditions within the space, or oxygen enrichment equipment is to be used, measures shall be taken to ensure that the oxygen level does not exceed 23 percent in the confined space. If tests indicate the oxygen level to be greater than 23 percent, hot work is prohibited until ventilating techniques have reduced the oxygen level to less than 23 percent.

Subp. 11. Smoking. Smoking shall not be allowed in confined spaces or within 20 feet of a confined space opening.

Subp. 12. Automatic fire protection systems. Where there is no ready exit from spaces equipped with automatic fire suppression systems employing harmful design concentrations of toxic or oxygen displacing gases, or total foam flooding, such systems must be deactivated. When it is not practical or safe to deactivate such systems, the provisions of part 5207.0304, subpart 3, shall apply during entry into and work within the spaces.

5207.0304 ENTRY INTO AND WORK WITHIN CONFINED SPACES.

Subpart 1. Class I; confined spaces where an atmosphere with dangerous air contamination, oxygen deficiency, or oxygen enrichment is unlikely to develop.

A. Employers whose operations require workers to perform routine repetitive entry into low hazard chambers such as boilers, vaults, vessels, tanks, bins, and vats, where no risk of engulfment can exist, and where the atmosphere cannot develop a dangerous air contaminant or oxygen enrichment, and where all known sources of hazard are positively controlled, may issue an annual permit for this type of entry instead of separate permits for each space, if established entry practices and procedures are in effect as outlined below. The employer may, at its discretion, allow entry by one or more workers without a standby person when work under the following conditions is performed:

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Exempt Rules

(1) Establish specific entry practices and procedures as required in part 5207.0302, subpart 3, items A, B, and D to I, that must be followed for entry by annual permit before any worker may be authorized to make an entry.

(2) Train workers in the practices and procedures required for such entries.

(3) Ensure that one or more of the following requirements are met:

(a) the space has been ventilated before entry using a mechanically powered ventilator for not less than is specified in the ventilation nomograph prepared for that ventilator, and that ventilation continues throughout the entry;

(b) all areas of the confined space are continuously and effectively ventilated; such ventilation shall provide positive ventilation of clean air at a rate of at least 200 cubic feet per minute per occupant, or in confined spaces larger than 2,000 cubic feet, six air changes of the confined space volume per hour; or

(c) there is no effective ventilation, but appropriate continuous oxygen monitoring is performed to ensure that permit conditions are maintained.

(4) Revoke the permit whenever any tests performed during confined space occupancy show deviation from acceptable conditions to a hazardous condition. In these circumstances, entry may be made only by an entry procedure as outlined in subpart 2 or 3.

B. Employers whose operations require workers to perform routine repetitive entry into confined spaces where entry permits are required and that are unlikely to develop a dangerous air contaminant, oxygen deficiency, or oxygen enrichment and have no potential for an engulfment condition, may issue an annual permit for this type of entry instead of separate permits for each space if established entry practices and procedures are in effect as outlined below. The employer may, at its discretion, allow entry by one or more workers without a standby person when work under the following conditions is performed:

(1) Establish specific entry practices and procedures as required in part 5207.0302, subpart 3, items A, B, and D to I, that must be followed for entry by annual permit before any worker may be authorized to make an entry.

(2) Train workers in the practices and procedures required for such entries.

(3) Ensure that whenever entry into a confined space is to be made, workers test the atmosphere before entry using an appropriate direct reading instrument (or other device capable of quantitatively identifying anticipated contaminants) with a remote sampling probe, testing for the following conditions and in the following order: oxygen concentration, combustible gas, and suspected toxic material, if any. While occupied, additional continuous monitoring for these gases or vapors shall be done during the entry period to ensure that a potentially dangerous atmosphere does not develop in the confined space.

(4) Ensure that continuous and effective positive ventilation is provided to the confined space at a minimum rate of 200 cubic feet per minute of clean air per occupant or, in confined spaces larger than 2,000 cubic feet, an exchange of six air changes of the confined space volume per hour.

(5) Revoke the permit whenever any tests performed during confined space occupancy show deviation from acceptable conditions to a hazardous condition. In these circumstances, entry may be made only by an entry procedure as outlined in subpart 2 or 3.

Subp. 2. Class II; confined spaces where an atmosphere free of dangerous air contamination, oxygen deficiency, or oxygen enrichment has been verified.

A. At least one person shall stand by on the outside of the confined space ready to give assistance in case of emergency.

B. Visual, voice, or signal line communications shall be maintained between all individuals in the confined space and the standby person.

C. An approved safety belt or harness with an attached line shall be used where practical and feasible. The free end of the line shall be secured outside the entry opening. The line shall be at least 2,000 pounds test.

D. The standby person shall not enter the confined space without alerting an emergency response team such as the fire department or other trained rescue workers of the intent to enter the confined space. Entry shall only occur after proper tests have been performed to show that a dangerous air contamination, oxygen deficiency, or oxygen enrichment does not exist or the standby person is protected as prescribed in subpart 3, items C and D, subitem (1).

Subp. 3. Class III; confined spaces where an atmosphere free of dangerous air contamination, oxygen deficiency, or oxygen enrichment cannot be verified. The requirements of this part apply to entry into and work within a confined space whenever an atmosphere free of dangerous air contamination, oxygen deficiency, or oxygen enrichment cannot be verified through the implementation of the applicable provisions of part 5207.0303, or whenever due to an emergency, dangerous air contamination, oxygen deficiency, or oxygen enrichment cannot be prevented through the implementation of the applicable provisions of part 5207.0303.

A. Tanks, vessels, or other confined spaces with side and top openings shall be entered from side openings when practicable. For the purposes of this part, side openings are those within 42 inches of the bottom.

B. Appropriate, approved respiratory protective equipment, in accordance with *Code of Federal Regulations*, title 29, section 1910.134, shall be provided and worn.

C. An approved safety belt or harness with an attached line must be used. The free end of the line shall be secured outside the entry opening. The line shall be at least 2,000 pounds test.

D. At least one person shall stand by on the outside of the confined space ready to give assistance in case of emergency.

(1) The standby person shall have appropriate, approved, respiratory protective equipment, including an independent source of breathing air that conforms with *Code of Federal Regulations*, title 29, section 1910.134(d), available for immediate use.

(2) A standby person protected as prescribed by items C and D may enter the confined space, but only in case of emergency and only after donning the required personal protective equipment and alerting an emergency response team such as the fire department or other trained rescue workers of their intention to enter the confined space.

(3) Visual, voice, or single line communications shall be maintained between all individuals in the confined space and the standby person.

E. When entry must be made through a top opening, the requirements in subitems (1) and (2) also apply.

(1) The safety harness shall be of the type that suspends a person in an upright position.

(2) An approved hoisting device or other effective means shall be provided for lifting workers out of the space.

F. Work involving the use of flame, arc, spark, or other source of ignition is prohibited within a confined space (or any adjacent space having common walls, floor, or ceiling with the confined space) that contains, or is likely to develop, dangerous air contamination due to flammable or explosive substances.

G. Whenever gases such as nitrogen are used to provide an inert atmosphere for preventing the ignition of flammable gases or vapors, no flame, arc, spark, or other source of ignition may be permitted unless the oxygen concentration is maintained at less than 20 percent of the concentration that will support combustion.

(1) Testing of the oxygen content shall be conducted with sufficient frequency to ensure conformance with this requirement.

(2) A written record of the results of such testing shall be made and kept at the work site for the duration of the work.

H. Only approved lighting and electrical equipment may be used in confined spaces subject to dangerous air contamination by flammable or explosive substances.

Subp. 4. Precautions for emergencies involving work in confined spaces. At least one person trained in first aid and cardiopulmonary resuscitation (CPR) shall be immediately available whenever the use of respiratory protective equipment is required by this part. Standards for CPR training shall follow the principles of the American Heart Association or the American Red Cross.

REPEALER. *Minnesota Rules*, parts 5205.1000; 5205.1010; 5205.1020; 5205.1030; 5205.1040; and 5207.0300, subpart 2, are repealed.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Emergency Executive Order #99-02: Providing for Assistance to the Division of Emergency Management and the State of Minnesota

I, **JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, the State of Minnesota is preparing to respond to impending spring flooding in the northwestern region of the state; and

WHEREAS, preparation for the response to spring flooding necessitates prior operational and mitigation actions; and

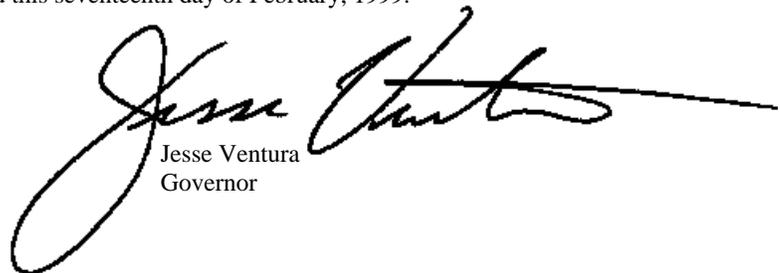
WHEREAS, the Division of Emergency Management has requested National Guard assistance;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about February 17, 1999, in the service of the State, such elements and equipment of the military forces of the State as required and for such period of time as necessary to assist and support the preparation for the response to spring flooding.
2. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish this mission.
3. The cost of subsistence, transportation, fuel, pay, and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes* 1998, sections 192.49, subd. 1, 192.51 and 192.52.

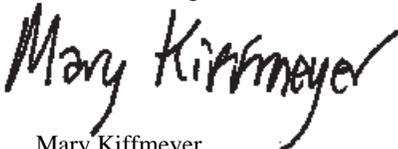
Pursuant to *Minnesota Statutes* 1998, section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this seventeenth day of February, 1999.



Jesse Ventura
Governor

Filed According to Law:



Mary Kiffmeyer
Secretary of State

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners' orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Department of Transportation

Order No. 83536: Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825

WHEREAS, the Commissioner of Transportation has made his Order No. 80000, dated March 10, 1994, which order has been amended by Orders No's. 80212, 80246, 80580, 80861, 80881, 81000, 81092, 81371, 81511, 81557, 81641, 82955, and 83138 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

WHEREAS, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 80000 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

COUNTY ROADS

Olmstead County

- C.S.A.H. 22 from T.H. 52/14 to C.S.A.H. 4.

Polk County

- C.S.A.H. 1 from one mile west of C.S.A.H 44 to T.H. 32.
- C.S.A.H. 45 from T.H. 220 to T.H. 75.

Dated: 18 February 1999

Elwyn Tinklenberg
Commissioner

Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* §270.0604.

Department of Revenue

Revenue Notice # 99-03: Collections - Installment Payment Agreements

Statutory Authority

The Department of Revenue ("Department") has the authority to enter into installment payment agreements with taxpayers under *Minnesota Statutes*, § 270.67, subdivision 2. The criteria used to determine whether the Department will enter into an installment payment agreement are described below.

Factors Considered By The Department

A taxpayer who wishes to enter into a payment agreement must submit a proposal to the Department setting forth the requested payment terms. The factors the Department uses to determine whether it will agree to the proposal are as follows:

- ability of the taxpayer(s) to pay in full now; thus, a complete and accurate financial statement (on a form prescribed by the Department) may be required from the taxpayer;
- the taxpayer must be current in filing all tax returns;
- frequency and amount of the payments being proposed;
- previous non-payment history of the taxpayer;

Revenue Notices

- liquor retailers with tax debts who have been placed on liquor posting with the Department of Public Safety under *Minnesota Statutes*, § 270.73, do not qualify for installment payment agreements. They must pay the tax debt in full;
- the Department may require security to guarantee payment of the debt;
- taxpayers who have a license to conduct a profession, occupation, trade, or business, and whose license is being denied to enforce the license clearance program under *Minnesota Statutes*, § 270.72, are required to furnish security equal to the full amount of the liability; and

Terms of the Agreement

If the facts of a case justify an installment payment agreement, then the following conditions apply:

- all unpaid tax amounts owed, including penalty and interest (if applicable), must be included in the principal amount of the payment;
- a tax lien may be filed on delinquent tax liabilities;
- the length of the payment agreement generally should not exceed one year, with two years as the outside maximum; a balloon payment can be used for the last payment;
- all payments made under the agreement must be paid through electronic funds transfer (EFT), unless this is impossible or impractical;
- any further tax delinquencies will result in immediate default of the payment agreement and, after notice and demand for payment, will result in enforced collection methods (such as bank or wage levies, or other types of property seizures);
- a substantial change in the taxpayer's financial ability to pay may result in a cancellation of or amendment to the payment agreement, and the taxpayer will be notified of the intent to cancel or modify;
- lottery prize winnings and tax refunds due to the taxpayer will be applied to the tax debt owed, and payments under the agreement are still required to continue on schedule;
- in the case of a tax liability owed by a business, lottery prize winnings and tax refunds of corporate officers or other responsible parties who have been assessed for personal liability, and for whom the order assessing personal liability is final, will be applied to the tax debt;
- the vendor set-off program under *Minnesota Statutes*, § 270.66, which authorizes the Department to apply payments owed by other state agencies to taxpayers who do business with the State of Minnesota toward their tax debt, is stopped when a payment plan has been established. However, if the taxpayer defaults on the payment agreement, vendor set-off may be reinstated immediately; and
- if the taxpayer has a sales and use tax permit issued by the Department and there are unpaid sales and use taxes included in the payment agreement, the taxpayer agrees to waive a contested case hearing in the event of revocation of the permit; in other words, if the taxpayer defaults on the agreement, the Department notifies the taxpayer of the default and if it is not cured, the taxpayer's sales tax permit is revoked without a hearing.

Dated: 1 March 1999

Terese Koenig, Director
Appeals, Legal Services and Criminal Investigation Division

Department of Revenue

Revenue Notice # 99-04: Collections - Compromise Agreements

A compromise is a written agreement between the Department of Revenue ("Department"), the Attorney General's Office ("Attorney General"), and the taxpayer to settle a tax liability, including penalty and interest, that is due and owing. Compromises are reserved for extraordinary circumstances — lack of funds alone is not enough to justify a compromise agreement. The Department usually requires that the compromised amount be paid in one payment. If a compromise proposal by a taxpayer is rejected by the Department or the Attorney General, there are no formal appeal rights regarding the decision.

Statutory Authority

The statutory authority for compromising a tax liability is found in *Minnesota Statutes*, § 8.30, which states: ". . . the attorney general shall have authority to compromise taxes, penalties, and interest in any case referred to the attorney general, . . . where, in the attorney general's opinion, it shall be in the best interests of the state to do so." Compromise proposals are referred to the

Attorney General by the Department; in other words, the Attorney General does not consider any offer for compromise until it has first been approved by the Department.

Submitting An Offer In Compromise

A taxpayer who wishes to enter into a compromise agreement must submit a written proposal to the Department. The proposal must contain the following information:

- amount of the compromise offer and when it will be paid;
- the source of the funds the taxpayer is using to pay the compromise amount;
- current financial information regarding the taxpayer, including real and personal property owned by the taxpayer; and
- why the compromise offer should be accepted.

Factors Considered By The Department

When reviewing the above information, the Department considers the following factors:

- age of the liability and whether the statute of limitations on collection will soon expire;
- employment potential of the taxpayer;
- age and health of the taxpayer;
- realistic potential for collecting the liability in full;
- other liable parties (spouse, partner, corporate officers);
- credit bureau report;
- the make-up of the balance due (in other words, tax, penalty, and interest)
- whether or not the liability is comprised of "trust taxes" (such as Minnesota income tax withheld by an employer or sales tax collected by a retailer);
- whether or not the taxpayer is current with filing all tax returns;
- collection history — previous collection action taken, past or current bankruptcy of the taxpayer, and the amount paid against the liability to date, including any refunds that may have been applied;
- whether any doubt exists as to the correctness of the liability;
- whether all or a portion of the liability would be discharged if the taxpayer declared bankruptcy;
- in the case of a business liability, whether or not the business is open or closed;
- whether the offer is the first offer of compromise or a reconsideration of a previous offer; and
- whether there are factors that would justify an abatement of penalty.

Procedures Following The Department's Review

After reviewing the proposal, the Department will:

- recommend to the Attorney General that the compromise offer be accepted;
- request that the taxpayer provide further information to substantiate information contained in the proposal;
- make a counter-offer to the taxpayer; or
- deny the request for compromise.

If the Department accepts the proposal, subject to the Attorney General's approval, a written compromise agreement will be prepared for signature. The agreement does not take effect until it is signed by the taxpayer, a designee of the Commissioner of Revenue, and a designee of the Attorney General.

Dated: 1 March 1999

Terese Koenig, Director
Appeals, Legal Services and Criminal Investigation Division

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Administration

UAW-Ford-MnSCU Training Center

Notice of Meeting of Board of Directors

The Board of Directors of the UAW-Ford-MnSCU Training Center will hold a meeting on Tuesday, March 9, 1999 at 9:00 a.m. in Room 222 of the UAW-Ford-Mn/SCU Training Center to consider matters which may properly come before the Board. The facility is located at Ford's Twin City Assembly Plant, 969 South Mississippi River Boulevard, St. Paul, MN.

Minnesota Auto Theft Prevention Program

Notice of Meeting of the Board of Directors

The Minnesota Auto Theft Prevention Program will be holding its Board of Directors meeting on the following dates: March 1, 1999 and April 8, 1999. Meetings will begin at 9:00 a.m. and are held at the Minnesota Auto Theft Prevention office located at 1110 Centre Point Curve, Suite 405, Mendota Heights, MN. (Hwy. 110 and Lexington Ave. in the GNB Technologies Bldg.) Meetings are open to the public. For more information contact Denny Roske at the Auto Theft Prevention Program at (651) 405-6153.

Department of Children, Families and Learning

AmeriCorps Education Awards Program Invites Applications

INVITATION TO APPLY...the Minnesota Commission on National and Community Service, an initiative of the Department of Children, Families and Learning, announces the 1999-2000 AmeriCorps Education Awards Program.

The department is seeking public and non-profit sponsoring agencies to recruit, train, and place twenty or more AmeriCorps members through coordinated partnerships with local organizations providing service projects and supervision. AmeriCorps members address unmet local needs in education, public safety, human services and the environment.

The program makes education awards available to agencies that can cover most or all AmeriCorps member and program costs from sources other than the Corporation for National Service. Agencies may engage members on a full-time or part-time basis. Full-time terms of service require at least 1,700 hours during a period of not less than nine months and not more than one year. Part-time terms of service require at least 900 hours during a period of not more than two years. Under the program, successful applicants will have up to one year following the start of the program to select and place members who will receive the approved education awards upon successful completion of their service. However, agencies are encouraged to place members as quickly as effective program implementation will permit.

AmeriCorps members may receive a \$4,725 education award for a minimum of 1,700 hours of service or a \$2,362 award for at least 900 hours of service. Guidelines are available upon request. Applications must be received on April 2, 1999 by 4:30 p.m. Contact:

Minnesota Department of Children, Families and Learning
Minnesota Commission on National and Community Service
1500 Highway 36 West
Roseville, MN 55113-4266
1-888-234-1270 (toll free for use in Greater Minnesota)
1-651-582-8444 (Twin Cities area)

Minnesota Comprehensive Health Association

Notice of Meeting of the Actuarial Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Actuarial Committee will be held at 1:00 p.m. on Wednesday, March 3, 1999. The meeting will take place at Blue Cross Blue Shield of MN, Main Building, 6th floor meeting room, 3535 Blue Cross Road, Eagan, MN.

For additional information, please call Lynn Gruber at (612) 593-9609.

Department of Labor and Industry

Labor Standards Unit

Notice of Addition and Correction to Commercial Prevailing Wage Rates

Additional rates have been added to the Commercial Prevailing Wage Rates certified 10/26/98, for **Labor Code 401, Heating & Frost Insulators, in Kittson County, Labor Codes 103, Laborer, Landscaping, 412, Ironworkers, 420, Roofer and 425, Drywall Taper, in Polk County and Labor Codes 103, Laborer, Landscaping and 425, Drywall Taper, in Yellow Medicine County.**

Corrections have been made to the Commercial Prevailing Wage Rates certified 10/26/98, for **Labor Codes 404, Carpenters in Fillmore, Goodhue, McLeod, Mille Lacs, Morrison, Mower, Stearns, Todd, Traverse and Wabasha Counties.**

Copies of the corrected certifications may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or by calling (651) 296-6452. Charges for the cost of copying and mailing are \$1.00 for the first page and \$.65 for each additional page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich
Commissioner

Legislative Coordinating Commission

Board of Trustees

Candidate Advisory Council

Applications Sought to Fill Vacancy for At-Large Congressional District for Board of Trustees of the Minnesota State Colleges and Universities

The Board of Trustees Candidate Advisory Council is currently seeking candidates for the Board of Trustees of the Minnesota State Colleges and Universities to fill the vacancy of Charles Williams who resigned. The Council is accepting applications for an At-Large Congressional district which is currently under represented on the Board.

The Council, appointed by the Legislature, is responsible for recruiting and recommending candidates to the governor for appointment to the Board of Trustees, the governing board for the merged technical colleges, community colleges and state universities. Members of the Board of Trustees receive per diem and expenses. The appointed member for the Board would complete the term of Mr. Williams which expires June 30, 2004.

For further information and/or application forms, please contact Barb Patterson at (651) 296-9002 or Chad Thuet at (651) 296-1121, Room 85 State Office Building, St. Paul, MN 55155. Applications must be received by 5:00 p.m. March 31, 1999.

Metropolitan Council

Notice of Intent to Amend the *Aviation Development Guide/Policy Plan*

The Metropolitan Council plans to amend its December 1996 *Aviation Development Guide/Policy Plan* prior to May 31, 1999. The amendment involves a change to the *Land Use Compatibility Guidelines for Aircraft Noise* for the region's reliever airports. The airports affected are Airlake, Anoka County-Blaine, Crystal, Flying Cloud, Lake Elmo, and South Saint Paul. The proposed amendment is not a policy change. Rather it:

- Changes the designated aircraft noise contour at which the land-use compatibility guidelines begin to be applied. The guidelines currently start at the DNL 55 noise level. The amendment would apply the guidelines at the higher DNL 60 noise level.
- Modifies descriptive text associated with the noise level change.

The proposed amendment recognizes there has been increased urbanization around the region's reliever airports over the past 15 years leading to increases in ambient noise. In addition, there have been improvements in new home construction that attenuate noise impacts.

Key objectives of the amendment are to maintain an adequate margin of noise safety in the land-use compatibility guidelines, make the reliever airports consistent with policy and practices as applied at the region's major and intermediate airports, and simplify interpretation and implementation for local communities.

The Council anticipates adopting the amendment in April 1999. A public hearing on the "draft" is anticipated in May 1999. This is a preliminary schedule and subject to change. The schedule should be verified with the project manager.

Interested parties may submit written or oral comments on the proposed revision. People wanting to be added to the Council's mailing list for material related to the amendment should send their name and address to the project manager. This notice is prepared and published in accordance with the Metropolitan Council's Administrative Procedures dated June 26, 1992.

Project Manager: Chauncey Case, Senior Transportation Planner
Metropolitan Council, Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota 55101
(651) 602-1724 (Project Manager)
(651) 291-0904 (TTY)
FAX comments to: (651) 602-1734
Record comments on Council's Public Comment Line: (651) 602-1500
Send comments electronically to: data.center@metc.state.mn.us

Department of Transportation

Petition of the City of Crookston for a Variance from State Aid Requirements for VERTICAL DESIGN SPEED

NOTICE IS HEREBY GIVEN that the Crookston City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed construction project on West Eighth Street, between North Front Street and North Main Street in the City of Crookston, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 10 mph vertical design speed, in lieu of the required 50 km/h design speed at the approaches to the proposed bridge over the Burlington Northern Santa Fe Railroad crossing on West Eighth Street, between North Front Street and North Main Street in the City of Crookston, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 7 February 1999

Julie A. Skallman
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of Steele County for a Variance from State Aid Requirements for RECOVERY AREA

NOTICE IS HEREBY GIVEN that the Steele County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a construction project on County State Aid Highway No. 15 between Fourth Avenue Southwest and County State Aid Highway No. 46 (Virtue Street) in the City of Blooming Prairie, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9920, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a hydrant to remain in place within the required 25' clear recovery area measured from the edge of traffic lane on the completed construction project on County State Aid Highway No. 15 between Fourth Avenue Southwest and County State Aid Highway No. 46 (Virtue Street) in the City of Blooming Prairie, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 8 February 1999

Julie A. Skallman
Division Director
State Aid for Local Transportation

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Children Families and Learning

Office of Community Services

Availability of Federal Funds for Adult Basic Education

The Minnesota Department of Children, Families and Learning announces the availability of funds for the 1999-2000 school year to subsidize Adult Basic Education under Public Law 100-297, as amended.

Public Law 100-297's purpose is to continue providing and expanding the availability of appropriate learning opportunities for adults with education needs below the level equivalent to high school completion that will:

1. Enable these adults to acquire the basic literacy, coping and learning-to-learn skills necessary to function fully and effectively in their own environments and in society at large;
2. Enable these adults who so desire to continue their education to at least the level of secondary school completion, and;
3. Enable these adults to secure and benefit from continued training and education that will further enhance their employability, productiveness, and responsible citizenship.

Applications for program design approval and funding to carry out the purposes of this act may be submitted by local educational agencies and by public or private agencies, organizations, and institutions with priority given to applications representing consortia of all available resources and services.

Application procedures and forms may be obtained after April 1, 1999, by writing to: Adult Basic Education, Minnesota Department of Children, Families and Learning, 1500 Highway 36 West, Roseville, MN 55113. To be considered for approval all completed applications must be delivered to the Department of Children, Families and Learning on or before June 1, 1999.

State Grants & Loans

Minnesota Department of Health

Notice of Availability of Grant Funds and Instructions for Applicants

Grant funds are available for the following programs for calendar years 2000-2001:

- Centers for Disease Prevention and Control - Tobacco Use Prevention and Control Program
- Colposcopy [Minnesota Breast and Cervical Cancer Control Program (MBCCCCP)]
- Commodity Supplemental Food Program (CSFP)
- Dental Health Program
- Family Planning Hotline
- Family Planning Special Projects (FPSP)
- Fetal-Infant Mortality Review Projects
- Home Visiting Projects to Prevent Child Abuse and Neglect
- Indian Health
- Lead Program - Lead-Safe Housing
- Maternal and Child Health Special Projects (MCHSP)
- Migrant Health
- Minnesota Breast and Cervical Cancer Control Program (MBCCCCP)
Patient Recruitment Grants
- Minnesota Healthy Communities Program
- MN ENABL (Minnesota Education Now and Babies Later)
- Part C Enhanced Follow Up Project
- Poison Control System
- Refugee Health Program
- Tobacco-Free Communities for Children Grants Program
- Special Supplemental Nutrition Program for Women, Infants and Children (WIC)

Description of Available Grants - Purpose, Scope and Eligibility

Please see pages 1784- 1799.

Centers for Disease Prevention and Control -- Tobacco Use Prevention and Control Programs

- Eligible Applicants:** To Be Determined
- Amount of Available Funds:** To Be Determined
- Duration of Grants:** Beginning Approximately 04/01/2000
End Date To Be Determined
- Application Materials Available:** Available Approximately 12/1999
- Application Deadline:** Approximately 02/01/2000
- Award Decision:** Within 60 Days Of Application Due Date
- Beginning Contract Date:** Approximately 04/01/2000
- Description of Grant:**

The Minnesota Department of Health seeks to fund community activities at the local and/or statewide level that will support the following program goals: (1) To eliminate exposure to environmental tobacco support; (2) To promote quitting among adults and young people; (3) To prevent young people from initiating smoking; and, (4) To identify and eliminate disparities among populations. Recipients must be able to administer funding for local and/or state-wide efforts (including local coalitions and/or ethnic and minority populations). Funding will be directed to increase the diversity and inclusiveness of tobacco control efforts within the state. This may include allocation of funding specifically for ethnic/minority and other groups of special interest such as blue-collar workers, women, and other groups identified as experiencing disproportionate health effects of tobacco use.

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Colposcopy Program [Minnesota Breast and Cervical Cancer Control Program (MBCCCP)]

Eligible Applicants: Health care providers, clinics, accredited hospitals, local departments of health, community health boards and service agencies.

Amount of Available Funds: \$150,000

Duration of Grants: 14 Months

Application Materials Available: 02/08/1999

Application Deadline: 03/31/1999

Award Decision: 04/16/1999

Beginning Contract Date: 05/01/1999

Description of Grant:

The Colposcopy Program is a state-funded grant for the provision of diagnostic colposcopy services by qualified medical service agencies to low income, un-insured and under-insured Minnesota women. The primary purpose of this grant is to increase the availability of affordable cervical diagnostic services for women with Pap smear abnormalities.

Consideration may be given to additional applicants in the spring of 2000, depending on the availability of funds.

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Commodity Supplemental Food Program (CSFP)

Eligible Applicants: Food banks, public or private nonprofit health or human service agencies with ware house storage space (including some refrigeration capacity) for approximately 50 types of commodity food products weighing in the vicinity of 35,000 to 105,000 pounds.

Amount of Available Funds: Determined on an annual basis according to federal appropriation; the federal fiscal year 1999 administrative grant totals \$448,019.

Duration of Grants: Two years beginning 10/01/1999 and ending on 09/30/2001.

Application Materials Available: Mailed out upon receipt of application.

Application Deadline: 05/28/1999

Award Decision: Within 30 days of application deadline or within 30 days of receipt of a complete application, whichever is later.

Beginning Contract Date: 10/01/1999, subject to funding and case load availability.

Description of Grant:

The CSFP is a federally funded grant program sponsored by the United States Department of Agriculture (USDA) and administered through the Minnesota Department of Health (MDH). Subject to the availability of federal funds, MDH awards grants to qualified local agencies to warehouse and disburse commodity food products and to provide nutrition education assistance to eligible participants. The populations eligible for the CSFP include: pregnant, breast-feeding and postpartum women, infants, and children up to age 6 who have family incomes at or below 185% of the federal poverty income guidelines and individuals over the age

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of 60 with an income at or below 130% of the federal poverty income guidelines. Because the CSFP is not an entitlement program, the number of individuals served on an annual basis is dependent upon the caseload allotment which USDA provides to each participating state. Minnesota is currently able to serve 9,800 participants per month.

The responsibilities of the local agencies include: identifying and reaching out to individuals potentially eligible for the program, assessing the eligibility of and certifying participants, preparing and distributing monthly food packages to participants, offering nutrition education assistance to participants, maintaining warehouse facilities sufficient to store at least 3 months of commodity food products along with refrigeration capabilities to store perishable commodities, following established food warehousing procedures in the storage and inventorying of the commodity food products, and submitting to the State CSFP office monthly caseload, inventory and financial reports.

The CSFP is presently administered by 2 local agencies: Channel One Incorporated located in Rochester and Second Harvest St. Paul Food Bank located in Maplewood. Administrative funds are provided to the local agencies on a per participant basis, which is dependent upon the amount of federal funds available and the performance of each local agency in meeting its authorized caseload level. The current per participant rate per month is \$3.38.

Applications will be reviewed immediately upon receipt. If additional information or revisions are needed, a written request will be made within 10 days of receipt of the original application. The additional information or revisions must be received within 15 days of the date the written request for additional information is mailed. Applications not received by the specified deadlines will not be considered.

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Dental Health Program

Eligible Applicants: Community health boards; schools, school boards, school districts; any public or private (not-for-profit) agency that can demonstrate the administrative, organizational, programmatic, and fiscal capability to deliver a proposed activity.

Amount of Available Funds: Dependent on Legislation

Duration of Grants: Two Years

Application Materials Available: 06/1999

Application Deadline: 09/1999

Award Decision: 11/1999

Beginning Contract Date: 01/2000

Description of Grant:

Dental Health Program (DHP) grant funds and technical assistance are available for the implementation of oral disease prevention activities and training. Activities include the following demonstration projects: Baby Bottle Tooth Decay, Dental Sealant, Innovative Agency Designed Oral Disease Prevention, Oral Health Care Access, Oral Home Health Care, Oral Injury Prevention, Smokeless Tobacco Use Prevention; and, the Well Water Fluoride Identification Program.

The goal of these grant programs is to improve the oral health of individuals from rural and low to moderately low income areas who are at great risk of developing oral diseases by increasing the capacity of local agencies to provide needed dental public health services. Priority consideration will be given to grant applications that: (1) serve individuals in primarily rural and low to moderately low income counties (as indicated by the county per capita personal income and by the percent of the county on non-fluoridated water supplies); or, (2) serve children who attend school buildings in primarily rural areas where a high percentage of students are from low to moderately low income families (as indicated by the percentage of children on free and reduced lunch and by the percent of the county on non-fluoridated water supplies); and, (3) serve individuals in areas that have not been previously targeted for the requested category of DHP grant activity.

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Family Planning Hotline

Eligible Applicants: Local government agencies, non-profit corporations.
Amount of Available Funds: To Be Determined
Duration of Grants: 01/01/2000 - 12/31/2001
Application Materials Available: 05/28/1999
Application Deadline: 08/06/1999
Award Decision: 11/30/1999
Beginning Contract Date: 01/01/2000
Description of Grant:

Subject to favorable legislative action, funds will be available, specifically designated for a statewide family planning hotline. The total annual funds available for this purpose will be five percent of the total annual Family Planning Special Project funds appropriated or \$100,000 per year, whichever is less.

Agencies submitting a Notice of Intent will receive a packet of application materials and information regarding technical assistance. To assist interested parties in developing applications, workshops on the FPSP grant application process may be conducted.

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Family Planning Special Projects (FPSP)

Eligible Applicants: Local government agencies, non-profit corporations.
Amount of Available Funds: To Be Determined
Duration of Grants: 01/01/2000 - 12/31/2001
Application Materials Available: 05/28/1999
Application Deadline: 08/06/1999
Award Decision: 11/30/1999
Beginning Contract Date: 01/01/2000
Description of Grant:

Family planning is voluntary planning and action by individuals to attain or prevent pregnancy. Family Planning Special Projects (FPSP) grants will be made to continue, expand or develop pre-pregnancy family planning services in accordance with the Family Planning Act (*Minnesota Statutes* 145.925) and the Family Planning Rule (*Minnesota Rules* Parts 4700.1900-4700.2500).

The level of funding available for FPSP is yet to be determined by the legislature. The amount appropriated by the legislature for the two-year period 1998-1999 was \$9,860,000.

Agencies submitting a Notice of Intent will receive a packet of application materials and information regarding technical assistance. To assist interested parties in developing applications, workshops on the FPSP grant application process may be conducted.

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Fetal-Infant Mortality Review Projects

Eligible Applicants: Community Health Boards and Other Agencies
Amount of Available Funds: Approximately \$170,000
Duration of Grants: 01/01/2000 - 12/31/2001
Application Materials Available: Request for Proposals to be published in *State Register* and available for distribution in Summer, 1999.
Application Deadline: As appropriate after publication of above Request for Proposal (RFP).
Award Decision: Within 45 days of receipt of completed applications.
Beginning Contract Date: 01/01/2000
Description of Grant:

The Infant Mortality Reduction Initiative will be awarding grant contracts to community health boards and other agencies to establish community-based fetal and/or infant mortality review (FIMR) projects and/or other community assessment projects. The goal is to develop recommendations to improve pregnancy outcomes through systems change. The currently used FIMR protocol is described below. The protocol for future community assessment projects may be modified as described in the RFP.

FIMR Protocol:

Projects are notified when deaths occur to residents of their communities. They make referrals to local public health nursing (PHN) agencies for PHNs to offer, and if accepted, to provide grief support and referral services to surviving family members and conduct maternal interviews. Project staff then collect vital records, health data, and coroner/medical examiner data for each pregnancy and death, and prepare case summaries. They establish one or more interdisciplinary case review teams, assuring appropriate cultural/ethnic representation, and (if possible) collaborate with local social service child mortality review panels. Case review teams review case summaries to: (1) identify significant medical, family, community, and other factors; (2) determine potential modifiability of factors; and, (3) develop recommendations for systems changes. Projects will be provided with training, technical assistance, protocols, tools, and software for case tracking, medical abstraction, PHN referrals, maternal interviews, case summary preparation, case review team coordination, and database development; some modifications may be needed for local conditions, but it is expected that findings will be comparable between projects. Projects may establish a local or regional community advisory group, and will participate in a state advisory group. Advisory group(s) review findings and recommendations and strategize to implement them at state and local levels.

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Home Visiting Projects to Prevent Child Abuse and Neglect

Eligible Applicants: Community Health Boards (CHBs)
(Priority will be given to CHBs that received grants in 1998-1999 and are successfully meeting the project objectives. Applications from other CHBs will be accepted in the event that additional funds become available for grant funding. Eligibility requirements may be changed by the 1999 legislature.)
Amount of Available Funds: To Be Determined

Duration of Grants: 01/01/2000 - 12/31/2001
Application Materials Available: 06/01/1999
Application Deadline: 08/31/1999
Award Decision: Within 45 days of receipt of completed applications.
Beginning Contract Date: 01/01/2000

Description of Grant:

The Minnesota Department of Health (MDH) is seeking proposals from CHBs for public health nursing home visiting services designed to provide early intervention to families at-risk for child abuse and neglect. These services may be provided from the first trimester of pregnancy and continued, based upon need, until the child reaches age six. Such services must be an **expansion** of current public health nurse and family aide home visiting activities.

Program services must be culturally relevant and designed to foster collaboration among existing agencies and community-based organizations. Coordination with other local home visiting programs, particularly those offered by school districts, is also required so as to avoid duplication of services. Successful applicants will be required to participate fully in the MDH evaluation for these projects, and to meet the statutory requirements for staff training.

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Indian Health

Eligible Applicants: Community Health Boards
Amount of Available Funds: \$177,000 Per Year
Duration of Grants: 01/01/2000 - 12/31/2001
Application Materials Available: 05/03/1999
Application Deadline: 10/31/1999
Application is to be included as part of the Community Health Services Plan with a copy of the Indian Health Grant part sent to the Minnesota Department of Health Grant Manager.
Award Decision: 12/01/1999
Beginning Contract Date: 01/01/2000

Description of Grant:

The purpose of this program is to provide assistance to community health boards to establish, operate, or subsidize clinic facilities and services to furnish health services for American Indians who reside off reservations.

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Lead Program - Lead-Safe Housing

Eligible Applicants:	Community Health Boards
Amount of Available Funds:	\$50,000 per year for one or more grants.
Duration of Grants:	24 Months
Application Materials Available:	Request for Proposals published in fall or winter in <i>State Register</i> .
Application Deadline:	At least 45 days after publication.
Award Decision:	60 Days After Deadline For Applications
Beginning Contract Date:	As soon as contract is executed.
Description of Grant:	

Funding is to provide temporary lead-safe housing and relocation costs for families displaced from their primary residence by lead abatement or lead hazard reduction ordered by a board of health. Related training is also an eligible expense.

Contact Person: Douglas Benson
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Maternal and Child Health Special Projects (MCHSP)

Eligible Applicants:	Community Health Boards
Amount of Available Funds:	To Be Determined
Duration of Grants:	01/01/2000 - 12/31/2001
Application Materials Available:	03/31/1999
Application Deadline:	09/17/1999
Award Decision:	12/15/1999
Beginning Contract Date:	Not Applicable
Description of Grant:	

PLEASE NOTE:

The following description is based upon existing state law which may be revised during the current legislative session. Updated information will be provided to applicants as changes are proposed and enacted.

Eligible applicants are Community Health Boards as defined in M.S. 145A.01, subdivision 5. Other local public and private providers **may not** apply directly to the department for funding through this category.

MCHSP funds provide core funding for support of local public health infrastructure focused on the improved health of mothers, children, and their families. The program also targets funds to serve high-risk and low-income persons and in statewide priorities: (1) Improved Pregnancy Outcome Program, (2) Family Planning Program, (3) Handicapped/Chronically Ill Children's Program, and (4) Childhood Injury Control Program.* State law also requires that maternal and child health projects established prior to the statewide formula MCHSP program be continued. The affected Community Health Boards, (North Country, Carlton-Cook-St. Louis, Minneapolis, St. Paul and Goodhue-Wabasha) are required as part of their formula MCHSP grant programs to maintain the same kinds of services to the same populations as previously served unless they can provide equivalent alternative funding or demonstrate that the need for the specific services provided by the project has significantly decreased.**

Each Community Health Board is required by statute to establish a process for its service area by which proposals may be solicited and considered from all qualified programs that have interest in financial participation in the Maternal and Child Health Special Projects (MCHSP), including those of non-profit and other public agencies and Indian reservations.

The level of funding available for the MCH Special Projects for the two-year period, calendar years (CY) 2000-2001, is yet to be determined through congressional and legislative actions. For CY 1998-1999, a total of \$14,655,357 was available. As soon as appropriation amounts can be determined, a table of agency-specific allocations will be distributed.***

*A potential change would allow funding to be used for other child and adolescent health problems in addition to childhood injury.

**A potential change would make continuation of these projects a discretionary matter for the affected Community Health Boards.

***A potential change would set a minimum funding level for all Community Health Boards at 95 percent of their CY 1998-1999 awards.

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Migrant Health

Eligible Applicants: Cities, counties, groups of cities or counties, or non profit corporations.
Amount of Available Funds: \$104,000 Per Year
Duration of Grants: 01/01/2000 - 12/31/2001
Application Materials Available: 05/03/1999
Application Deadline: 07/30/1999
Award Decision: 08/31/1999
Beginning Contract Date: 01/01/2000
Description of Grant:

The purpose of this program is to fund the establishment, operations, or subsidization of clinic facilities and services, including mobile clinics, to furnish health services for migrant agricultural workers and their families in areas of the state in which significant numbers of migrant workers are located. A "Migrant Agricultural Worker" means any individual whose principal employment is in agriculture on a seasonal basis who has been so employed within the last 24 months, and who established a temporary residence for the purpose of such employment. First consideration for funding will be given to organizations that can provide services on a statewide basis.

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Minnesota Breast and Cervical Cancer Control Program (MBCCCP) -- Patient Recruitment Grants

Eligible Applicants: Community Health Boards and service agencies, YWCA ENCOREplus programs, other non-profit organizations.
Amount of Available Funds: \$490,000
Duration of Grants: 12 - 18 Months
Application Materials Available: Summer, 1999
Application Deadline: Fall, 1999
Award Decision: Winter, 1999
Beginning Contract Date: Spring, 2000
Description of Grant:

The Minnesota Breast and Cervical Cancer Control Program (MBCCCP) is funded through the Centers for Disease Control and Prevention (federal level) and the State of Minnesota to recruit eligible women for breast and cervical cancer screening paid for by the MBCCCP. Eligible women are those that are age 40-64, are un-insured or under-insured, and have an income not greater than

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250% of the federal poverty level. Grants are available to community health boards and service agencies, YWCA ENCOREplus, and other non-profit organizations to recruit women age 50 and older for breast cancer and cervical cancer screening services. A portion of funds are allocated for the recruitment of African-American/African and Asian women into the MBCCCP.

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Minnesota Healthy Communities Program

Eligible Applicants: Community Health Boards
Amount of Available Funds: Determined by Federal Appropriations
(estimated that approximately \$74,000 will be available)
Duration of Grants: 01/01/2000 - 12/31/2001
Application Materials Available: To Be Announced
Application Deadline: To Be Announced
Award Decision: To Be Determined
Beginning Contract Date: 01/01/2000
Description of Grant:

The Minnesota Healthy Communities Program (MHCP) will provide monies and technical assistance to increase the capacity of community health services (CHS) agencies to address chronic disease risk factors by involving the community in creating, influencing and strengthening community coalitions to build environments that support healthy choices.

The objectives of this program are: (1) to demonstrate effective models for facilitating and sustaining broad-based community involvement in health promotion; (2) to disseminate state-of-the-art strategies for community-wide health promotion which are scientifically easily replicable in Minnesota; and, (3) to build on emerging bodies of knowledge of community organization, coalition building, use of mass media in health promotion, ongoing integration of health promotion strategies, and environmental approaches to healthy behavior and community change.

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MN ENABL (Minnesota Education Now and Babies Later)

Eligible Applicants: Community-based contractors including Community Health Boards, school districts, and non-profit organizations. (Current grant recipients will receive a competitive advantage over new applicants.)
Amount of Available Funds: Approximately \$1,000,000
Duration of Grants: 01/01/2000 - 12/31/2001
Application Materials Available: 06/1999
Application Deadline: 07/30/1999
Award Decision: 11/1999
Beginning Contract Date: 01/01/2000

Description of Grant:

The goal of the program is to reduce adolescent pregnancy through an abstinence approach. Community-based contractors must use a multi-faceted, primary prevention, community health promotion model to educating and supporting adolescents in their decision to postpone sexual involvement. Programs must be targeted to adolescents, ages 12-14 years, their parents and other primary care givers and their communities, including schools.

Community based programs:

- Assemble a core planning group that consists of at least three community people and involve parents, other adult care givers, and representatives from schools and community organizations in all MN ENABL efforts.
- Plan and implement community organization strategies by collaborating with other community organizations and individuals.
- Promote messages in local media that support statewide efforts.
- Utilize the "Postponing Sexual Involvement" (PSI) curriculum for teens in a variety of settings, including, but not limited to, schools, religious establishments, local community centers, youth camps, etc.
- Utilize a positive approach that encourages 12-14 year old boys and girls to postpone sexual involvement, as well as teaching them the skills needed to succeed in this goal.
- Participate in state organized trainings and state-level program evaluation.

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Part C Enhanced Follow Up Project

Eligible Applicants: Community Health Boards
Amount of Available Funds: \$250,000 total for 4 grantees; individual grant awards will vary based on size of population 0-3 yrs. old.
Duration of Grants: 09/01/1999 - 08/30/2000
Application Materials Available: 04/01/1999
Application Deadline: 06/01/1999
Award Decision: 07/01/1999
Beginning Contract Date: 09/01/1999

Description of Grant:

The Minnesota Department of Health (MDH) will provide monies and technical assistance to 4 community health services (CHS) agencies to conduct enhanced follow up of 0-3 year olds who are "at risk" for developmental delay and to facilitate families' access to available community resources. Project objectives related to the RFP include: (1) estimating the number of infants/toddlers who are "at risk" for developmental delay; (2) determining the types of services they would need; (3) linking families to local/state resources; (4) estimating the cost for providing the services; and, (5) assisting in the design of a future version of the Follow Along Program (FAP) software so that ongoing trends related to "at risk" infants/toddlers and their families can be monitored locally, regionally and statewide.

CHS agency activities will include: (1) interviewing families (selected from a random sample of the last three years of birth certificates); (2) facilitating families' access to available community resources; and (3) participation on a project steering committee. Information from the project will provide a mechanism for anticipating needs and potential demand for resources (both within the CHS agency, their local collaborative partners, and for the State) .

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Poison Control System

Eligible Applicants:	Non-profit corporations and units of government.
Amount of Available Funds:	To be determined by state and federal appropriations and estimated at \$1,135,400.
Duration of Grants:	07/01/1999 - 06/30/2001
Application Materials Available:	Immediately
Application Deadline:	4:30 pm, Monday, 05/03/1999
Award Decision:	05/17/1999
Beginning Contract Date:	07/01/1999
Description of Grant:	

The purpose of this grant program is to provide citizens of the state with information relating to the prompt identification and appropriate home management or referral of cases of human poisoning through the establishment of a single integrated poison control system consisting of one or more regional poison information centers which provide statewide information and education services to the public and to health professionals. The grantee must demonstrate the ability to: (1) provide appropriate and adequate telephone poison information services to the general public and to health professionals 24 hours a day at no direct cost to users and in a manner that appropriately utilizes "911" emergency telephone services; (2) provide adequate medical direction as well as the toxicological and related professional and technical resources needed for poison information services; (3) provide appropriate public education and professional education services; (4) provide poison information services in a financially sound and cost-effective manner; and (5) cooperate with interested health professionals throughout the state to provide poison information in a coordinated fashion. Grantee must also indicate the availability of in-kind support, the ability to pursue additional funding from other sources, and the ability to initiate services on 07/01/1999.

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Refugee Health Program

Eligible Applicants:	See Below: "Description of Grant"
Amount of Available Funds:	Determined by federal appropriations. Each grant is not expected to exceed \$15,000 annually.
Duration of Grants:	11/01/1999-10/31/2001
Application Materials Available:	04/30/1999
Application Deadline:	Postmarked Friday, 07/30/1999
Award Decision:	Within 30 days of completed application.
Beginning Contract Date:	11/01/1999
Description of Grant:	

Eligible applicants are community health boards which are experienced in providing or facilitating health assessments and follow-up care to newly arrived refugees and are located in a county which has become home to more than 150 refugees whose primary resettlement was to Minnesota in federal fiscal year 1998.

The purpose of this program is to assist local health agencies in providing health assessments and follow-up activities to refugees for problems of public health concern. The target population is refugees as defined in Section 101(a)(42) of the Immigration and Nationality Act. Any such persons receiving this alien classification, regardless of national origin are eligible for services under this program. Exceptions are immigrants who are legally classified as "entrants," and certain other refugees (e.g., Tibetans) whose medical care and other resettlement needs are to be privately provided. Not more than one grant will be issued for each eligible county. Funds will be awarded on a formula basis based on the number of refugees resettled in federal fiscal year 1998 in the county.

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Tobacco-Free Communities for Children Grants Program

Eligible Applicants: Community Health Boards
Amount of Available Funds: To Be Determined
Duration of Grants: To Be Determined (at least one calendar year)
Application Materials Available: To Be Determined (approximately 08/1999)
Application Deadline: To Be Determined (approximately 10/01/1999)
Award Decision: Within 60 days of application deadline.
Beginning Contract Date: 01/01/2000
Description of Grant:

The Minnesota Department of Health intends to support tobacco prevention and control activities at the local level through non-competitive grants to Community Health Boards. Activity areas are yet to be determined.

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Special Supplemental Nutrition Program for Women, Infants and Children (WIC)

Eligible Applicants: See Below: "Description of Grant"
Amount of Available Funds: Determined by Federal Appropriation
Duration of Grants: 10/01/1999 - 09/30/2001
Application Materials Available: Mailed Out Upon Receipt of Notice
Application Deadline: 06/01/1999
Award Decision: Within 30 days of receipt of completed application, but no sooner than 06/18/1999.
Beginning Contract Date: 10/01/1999
Description of Grant:

The WIC Program is a state and federally-funded grant program administered through the Minnesota Department of Health; grants are made available to qualified local agencies to deliver program services. WIC provides nutrition education services and vouchers for the purchase of specified nutritious food supplements to pregnant, postpartum, and nursing women, and to infants and children up to five years of age who are judged by health professionals to be at nutritional risk and who have family incomes at or below 185 percent of poverty income guidelines prescribed by the United States Department of Agriculture. The WIC Program serves as an adjunct to good health care during critical times of growth and development, in order to prevent the occurrence of health problems and to improve the health status of those persons. All current WIC agreements will terminate on 09/30/1999.

The types of local agencies which may apply for the WIC Grant are listed as follows in order of their priority for application approval:

- First priority is given to a community health board.
- Second priority is given to a public or private nonprofit health service agency.
- Third priority is given to a public human service agency.
- Fourth priority is given to a private nonprofit human service agency.

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An agency will be classified as either a health service agency or a human service agency, based on the type of services it primarily provides during its current fiscal year. The priority system applies to agencies that are applying for the first time, that have applied before, and that have previously administered the WIC Program.

Only one application will be approved for each geographic area or special population. If two or more competing applicants have the same priority, a subpriority will be assigned as follows:

- First subpriority will be given to an agency whose employee can provide ongoing routine pediatric and obstetric care, and administrative services.
- Second subpriority will be given to an agency that must enter into a written agreement with another agency for either ongoing, routine pediatric and obstetric care, or administrative services.
- Third subpriority will be given to an agency that must enter into a written agreement with private physicians to provide ongoing, routine pediatric and obstetric care for women, infants, or children, or for participants not eligible for health services at the agency.
- Fourth subpriority will be given to an agency that must enter into a written agreement with private physicians to provide ongoing, routine pediatric and obstetric care for all participants.
- Fifth subpriority will be given to an agency that must provide ongoing routine pediatric and obstetric care through referral to a health care provider.

The performance record, if any, of each competing agency will be taken into consideration. If all of the competing agencies have a poor performance record, the grant will be awarded to the agency with the least poor performance record. If only one of the competing agencies does not have a poor performance record, the grant will be awarded to that agency. If two or more competing agencies do not have a poor performance record, the grant will be awarded to the agency with the highest priority, or subpriority if appropriate, as described above. Factors which will be taken into consideration in judging a performance record include whether the agency has failed to:

- Maintain a participation level within two percent of the authorized participation level.
- Maintain or increase the rate of participation by pregnant women.
- Respond to the written findings of the Financial Review or Management Evaluation within 30 days.
- Take corrective action in the areas identified by the Financial Review or Management Evaluation within six months from the date of the approval of the corrective action plan.
- Submit a nutrition education plan or required revisions to the plan within the established time frame.

If additional information or revisions are needed to the application after it is submitted, a request will be made within 15 days of receipts. A complete, correct application must be received within 15 days of the date of the request, if two or more agencies have applied to serve the same geographic area or special population; if only one agency has applied, a complete, correct application must be received within 30 days of the date of the request. Applications which are not complete and correct at the specified deadlines will not be considered.

Contact Person: Linda Dorsey, MPH, Program Supervisor
Division of Family Health
WIC Program
Minnesota Department of Health
85 East Seventh Place
P.O. Box 64882
St. Paul, MN 55164-0882
Telephone: (651) 281-9904 FAX: (651) 215-8951

Proposed Legislative Initiatives or Federal Grant Programs which are Contingent Upon Federal Agency or State Legislative Approval

The Governor's budget includes grant funding for the following activities:

Internet Connections for Community Health Boards:

\$800,000 available in 2000-2001 to fund grants to community health boards to establish Internet connections for all community health boards (and their county boards of health).

Populations of Color Needs Assessments:

\$700,000 in one-time grants to local/county health agencies for health needs assessments specific to populations of color to create a baseline of information, build capacity to reduce disparities in health status and improve the health outcomes of populations of color.

Tobacco Use Reduction and Prevention:

\$5 million annually for state fiscal years 2000 and 2001 to support community-based prevention activities, available to all 49 community health boards and the 11 federally funded Indian reservations.

Please note: If funding becomes available in these areas, the Minnesota Department of Health will send out more information this summer.

Procedures and Information for Applying for Grants**STEP 1: Applicants Must Provide Notice of Intent to Apply for Funds**

Any organization interested in applying for funds should complete the "Notice of Intent to Apply for 2000-2001 Grant Funds Checklist."

The "Notice of Intent to Apply for 2000-2001 Grant Funds Checklist" must be received by the Department of Health no later than 4:30 p.m., Monday, April 5, 1999. In addition, agencies who are not community health boards must submit a copy of the "Notice of Intent to Apply for 2000-2001 Grant Funds Checklist" to the community health board in their geographical service area.

NOTE: If interested parties intend to submit a proposal that the Department of Health judges is of statewide significance, the department will provide one copy of the "Notice of Intent to Apply for 2000-2001 Grant Funds Checklist" to each community health board in the state. Any community health board may subsequently request one copy of the completed application from the applicant for review and comment.

STEP 2: The Department Will Provide Application Materials

An organization expressing an intent to apply will be provided with pertinent application materials, information on the review and award process, and the names and telephone numbers of Minnesota Department of Health consultants available to provide technical assistance concerning preparation of the grant application.

STEP 3: Submission of Completed Applications

Completed applications must be received by the Minnesota Department of Health office listed in the application materials you receive (Step 2 above) no later than 4:30 p.m. on the date identified for each grant. Agencies who are not community health boards must also submit the completed application to the community health board in the applicant's proposed geographic service area no later than the deadline of receipt of the application at the Minnesota Department of Health.

WIC applications not received by the deadline will not be considered. Other applications not received by the deadline will be reviewed and considered for funding only after all other applications are reviewed and funded (in accordance with available funds).

STEP 4: Awarding of Funds

Applications will be reviewed as submitted except that, at its discretion, the department may request further clarification. Grants will be awarded in accordance with priority areas and criteria identified in the application materials. Applicant organizations will be notified in writing of the grant award decisions and contracts will be completed to begin according to the schedule for each grant.

Duration of Funding

Funding for the full award period of all grants will be dependent upon federal and state appropriations.

Consultant

For further information, please contact the Minnesota Department of Health staff person identified for each grant.

**Minnesota Department of Health
Notice of Intent to Apply for 2000-2001 Grant Funds Checklist**

Our agency intends to apply for the following programs:

(Descriptions of grant programs are included in the Notice of Availability included with this form; please refer to it for more details.)

Name and Address of Applicant Organization	Type of Applicant Organization (e.g., community health board, non-profit organization, hospital)
WIC ONLY -Proposed Geographic Area and/or Special Population of Project	CSFP ONLY -Proposed Geographic Area
MDH Grant Program	Local Agency Contact Person
Centers for Disease Prevention and Control Tobacco Use Prevention and Control Program	Contact Person's Telephone Number
Colposcopy [Minnesota Breast and Cervical Cancer Control Program (MBCCCP)]	Check here if you plan to apply for these funds
Commodity Supplemental Food Program (CSFP)	
Dental Health Program	
Family Planning Hotline	
Family Planning Special Projects (FPSP)	
Fetal-Infant Mortality Review Projects (continued)	

**Minnesota Department of Health
Notice of Intent to Apply for 2000-2001 Grant Funds Checklist**

MDH Grant Program	Local Agency Contact Person	Contact Person's Phone Number	Check here if you plan to apply for these funds
Home Visiting Projects to Prevent Child Abuse and Neglect			
Indian Health			
Lead Program - Lead-Safe Housing			
Maternal and Child Health Special Projects (MCHSP)			
Migrant Health			
Minnesota Breast and Cervical Cancer Control (MBCCCP) Patient Recruitment Grants			
Minnesota Healthy Communities Program			
MN ENABL (Minnesota Education Now and Babies Later)			
Part C Enhanced Follow Up Project			
Poison Control System			
Refugee Health Program			
Tobacco-Free Communities for Children Grants Program			
Special Supplemental Nutrition Program for Women, Infants and Children (WIC)			

Please return all pages of this form by April 5, 1999 to:

D'Ann Topolink, Section of Financial Services, Minnesota Department of Health,
121 East Seventh Place, Suite 100, P.O. Box 64975, St. Paul, MN 55164-0975.
Telephone: 651-215-0654

State Grants & Loans

Department of Health

Office of Rural Health and Primary Care

Minnesota Community Health Center Program

Notice of Grant Opportunity for Planning and Operating Community Health Centers in Rural Minnesota

The Minnesota Department of Health (MDH) is seeking applications from community-controlled nonprofit organizations and government entities interested in planning and operating Community Health Centers in rural areas of Minnesota.

The purpose of these grants is to improve or preserve access to primary care by attracting essential health care professionals and services into medically underserved rural communities. In order to qualify for Community Health Center Program funding, an applicant must:

- Be located in a rural shortage area (Medically Underserved Area, Federal Health Professional Shortage Area or Governor Designated Shortage Area). Rural is defined as outside the seven county Twin Cities metropolitan area, and outside the census defined urbanized areas of Duluth, St. Cloud, East Grand Forks, Moorhead, Rochester, and Lacrosse.
- Represent or propose the formation of a nonprofit corporation with local governance or be a governmental or tribal entity.
- Result in a locally owned and operated community health center which includes primary and preventive health care services, and incorporates quality assurance, regular review of clinical performance and peer review.
- Demonstrate community support.

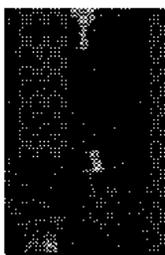
\$250,000 is available to fund applications in this grant cycle. The Office of Rural Health and Primary Care expects that successful applicants will be able to begin their grant projects by July, 1999. The Minnesota Department of Health can provide technical assistance to grantees in addition to grant support.

Prospective applicants who have questions, and/or would like a copy of the complete Request for Applications and application form may contact:

Mark Schoenbaum
Office of Rural Health and Primary Care
Division of Community Health Services
Minnesota Department of Health
P.O. Box 64975
St. Paul, MN 55164-0975
Phone: (651) 282-3859
Toll Free: 1-(800) 366-5424 (inside Minnesota only)

Applications are due by **April 30, 1999 at 4:00 P.M.** to the address above. An additional copy of the application must be submitted to the Community Health Board in which the proposed Community Health Center is located no later than April 30, 1999.

Exploring Minnesota's North Shore



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Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

Department of Children, Families and Learning

Notice of Request for Proposal to Provide Evaluation Technical Assistance to Community-Based Programs

The Department of Children, Families & Learning is soliciting proposals from qualified vendors to provide evaluation technical assistance to programs funded under the Safe and Drug-Free Schools and Communities Act-Governor's Programs (SDFSCA). It is our intent to contract for services to assist Safe and Drug-Free Schools and Communities programs to meet the Principles of Effectiveness requirements implemented by the United States Department of Education.

The Department has estimated the cost of this project should not exceed \$25,000.00. The anticipated project period is May 1, 1999, through December 31, 1999.

For a complete copy of the Request for Proposal, please contact:

Carol Thomas
Safe and Healthy Communities Team
Department of Children, Families & Learning
1500 Highway 36 West
Roseville, MN 55113-4266
Phone: (651) 582-8345
Fax: (651) 582-8499

Proposals are due no later than 4:00 P.M. March 30, 1999. Late proposals will not be accepted.

Department of Health

Center for Health Statistics

Notice of Request for Proposals for Data Entry Services

NOTICE IS HEREBY GIVEN that the Center for Health Statistics Section of the Minnesota Department of Health (MDH) is accepting proposals from qualified parties for the data entry of historic birth records, and optional services, including the data entry of death records.

No later than September 30, 2000, data will have been entered for approximately 2.1 million historical birth records (1935-1988), and, if the contractor(s) chooses to include a bid for the optional services, approximately 3 million historical death records (1908-1996) will also have been data entered. Interested parties should be aware of the following objectives of the project: the data entered is required to meet a quality standard of 96% accuracy which will be monitored using a statistical quality control sampling plan; because the records are the original, and, often the only copies, the contractor(s) must maintain the security and privacy of the paper records; and, the contractor(s) must maintain the quality, security and privacy of the data in electronic format.

This request for proposal does not obligate MDH to complete the project(s), and MDH reserves the right to cancel the solicitation if it is considered to be in its best interest.

Requests for copies of this RFP must be submitted by 3:00 p.m., Monday, March 8, 1999. All proposals for this project must be submitted by 3:00 p.m., Friday, March 19, 1999.

Non-State Public Bids, Contracts & Grants

For a copy of the complete Request for Proposal please contact:

Michel Korneski
Minnesota Department of Health
Center for Health Statistics
717 Delaware Street Southeast
P.O. Box 9441
Minneapolis, Minnesota 55440-9441
Phone: (612) 676-5109
FAX: (612) 676-5264
E-Mail: michel.korneski@health.state.mn.us

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Airports Commission

Notice of Request for Proposals for TGB Set Asides Only - Landscape Maintenance Services

Proposals will be received by the Metropolitan Airports Commission ("Commission" or "MAC") at its office at 6040 - 28th Avenue South, Minneapolis, MN 55450, **until 11:00 A.M. LOCAL MINNESOTA TIME**, for the landscape maintenance services as outlined in the Request For Proposal ("RFP"). At that time and place, the names and addresses of proposals received will be publicly opened and read aloud. If mailed, the Commission's mailing address is: Metropolitan Airports Commission, Manager of Purchasing, 6040 - 28th Avenue South, Minneapolis, Minnesota 55450. **Proposals to be considered must be received by the Commission by March 15, 1999, 11:00 A.M. for opening of proposals.** There is a mandatory pre-proposal meeting at the Metropolitan Airports Commission Trades Building, 6045 - 28th Avenue South, Minneapolis, on March 4, 1999, at 10:30 a.m.

Proposals shall be submitted in duplicate on Proposals forms that are included with the specifications.

Proposers will propose without reference to, and shall not include State and Federal taxes. The Commission will assume and pay to the successful proposer, in addition to the proposal price, such taxes, finally determined to be due and owing.

THE METROPOLITAN AIRPORTS COMMISSION HEREBY NOTIFIES ALL PROPOSERS THAT THIS IS A SET ASIDE CONTRACT FOR TARGETED GROUP BUSINESSES (TGB) ONLY.

The proposal of the responsible TGB proposer best meeting the proposal criteria will be accepted on or before the expiration of sixty (60) days after the date of the proposal opening. TGB proposers must be certified by the Minnesota Department of Administration prior to proposing. The Commission, however, reserves the right to accept/reject any and all proposals and to waive any minor irregularities, informalities or discrepancies.

Consistent with *Minnesota Statutes* § 473.144, the Commission may not accept a bid or proposal for a contract or execute a contract in excess of \$100,000 with any business unless said business is in compliance with certain requirements concerning affirmative action plans. Proposals will be considered non-responsive if the compliance requirements are not met. Compliance requirements are outlined in the project specification.

"Nondiscrimination in Employment". The proposed contract shall be under and subject to Executive Order No. 1246 of September 24, 1965, as amended, and to the equal opportunity clause, mandated by the regulations promulgated pursuant thereto. The proposed contract must incorporate the terms set forth in Affirmative Action Attachment Nos. 1, 2 and 3 on file at the office of the Commission and included in the specifications for this project. The proposer must supply all the information required by the proposal forms.

The Metropolitan Airports Commission, in accordance with Title VI of the Civil Rights Act of 1964, 78 statute, 252, U.S.C. 2000d to 2000d.4 and Title 49, *Code of Federal Regulations*, Department of Transportation, Subtitle, A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby

Non-State Public Bids, Contracts & Grants

notifies all proposers that it will affirmatively insure that in any contract entered into pursuant to this advertisement, all proposers will be afforded full opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award. In addition, proposers will not be discriminated against on the basis of age, sex, religion or disability.

Copies of the Specifications and Proposal form, as a part therefore, may be obtained at the office of the Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, (612) 725-8147; FAX: (612) 726-5296.

Dated: 23 February 1999

Metropolitan Airports Commission
Don Olson, Purchasing Manger

Metropolitan Airports Commission

Notice of Request for Proposals for Radio Equipment Maintenance and Installation of Voice Logging Recorder System

Sealed proposals will be received by the Metropolitan Airports Commission (MAC), hereinafter "Owner", at the MAC General Offices as set forth for this project until:

10:00 A.M. CST
Tuesday, 9 March 1999

for a voice logging recorder system to serve the Communications and Airside Operations departments of MAC. Requirements are described in project Specifications. At the above time and place the proposals will be publicly opened and read aloud. Every proposal shall be packaged, to conform to the requirements as shown in the Specifications. *Proposals must be received by the date and hour set for their opening.* Proposals shall be submitted in *triplicate* on the supplied Proposal Forms and using the organization which is described in the Specification.

The Owner reserves the right to accept or reject any and all quotations or parts of quotations and to waive irregularities, informalities, or discrepancies therein. The owner may negotiate with any or none of the contractors submitting a proposal at its sole discretion. The Owner may award a contract on the basis of the most acceptable final proposal, which, in the sole opinion of the Owner, is in the best interest of the needs of the Metropolitan Airports Commission.

Owner is governmental agency established by *Minnesota Statute*. Despite its status as a public entity Owner is responsible for payment of sales tax on equipment and supplies but not on labor or for staff services. However, contractors shall not quote sales tax costs in their proposal. Copies of the procurement Specifications and the Proposal Form, as a part thereof, may be obtained at the office of:

Don Olson
MAC Purchasing Manager
Minneapolis/St. Paul International Airport
6040 28th Avenue South
Minneapolis, MN 55450-2799
(612) 725-8147
(612) 726-5296 (FAX)

Dated: 18 February 1999

Don Olson, Purchasing Manager
Metropolitan Airports Commission

Non-State Public Bids, Contracts & Grants

Metropolitan Council

Notice of Availability of Funds from the Metropolitan Livable Communities Act Tax Base Revitalization Account

Purpose: The Metropolitan Livable Communities Act (*Minnesota Statutes* Ch. 473.25) created a **Tax Base Revitalization Account** to make grants to clean up contaminated land for subsequent commercial/industrial re-development, job retention and job growth. Applications will be prioritized to the extent that they address the following: increase local tax base; create net gain in regional jobs; demonstrate market demand for proposed site; supplement a previously approved project; preserve and/or increase living wage jobs; improve the environment by reducing human health risk; promote compact development; provide living wage jobs; demonstrate public/private partnerships; and make more efficient use of current infrastructure capacity. This program is being coordinated with complementary programs at the MN Pollution Control Agency (MPCA) and MN Department of Trade and Economic Development (DTED).

Eligible Applicants: Statutory or home rule charter cities participating in the Metropolitan Livable Communities Housing Incentives Program are eligible to apply. Metropolitan counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington) and development authorities (e.g., Housing and Redevelopment Authority, Economic Development Authority or Port Authority) may apply for projects in eligible communities.

Submission Date: An original and two (2) copies of each application are due at the Metropolitan Council, Attn: Wayne Nelson, 230 E. Fifth St., St. Paul, MN 55101, by 5 p.m., May 3, 1999.

Amount Available: Approximately \$2.7 million will be available for grants awarded this cycle. Grants will be awarded on a competitive basis. If applications for grants exceed the available funds for this cycle, no more than one-half of the funds may be granted to projects in a single city, and no more than three-quarters of the funds may be granted to projects located in cities of the first class.

For More Information: For a copy of the grant application guide and format, contact Wayne Nelson, Metropolitan Council at (651) 602-1406 or 291-0904 (TTY) or via e-mail: wayne.nelson@metc.state.mn.us. The application form may be copied from the Metropolitan Council web site at www.metrocouncil.org under the topic "Planning".

University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. - 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls, MN 55454.

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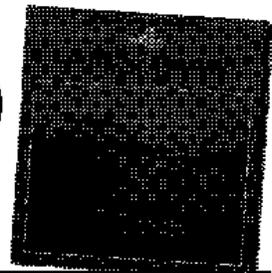
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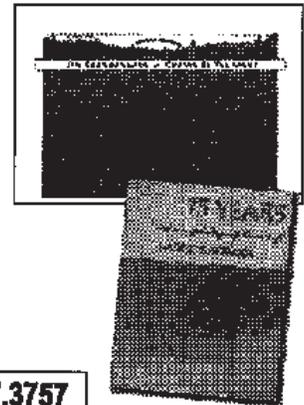
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